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No. 318.

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

BILL.

An Act for providing a remedy against
Municipal Corporations for losses sus-
tained by the riotous and tumultuous
destruction of property therein.

Received and read a first time, Wednesday, 22nd
May, 1849.

Second reading Saturday, 25th May, 1849.

HON. MR. BOULTON.

PRINTED BY LOVELL AND GIBSON.

BILL.

An Act for providing a remedy against Municipal Corporations for losses sustained by the riotous and tumultuous destruction of property therein.

WHEREAS it is proper to provide a remedy against all Corporate Cities, Towns, Townships, Villages, and Counties, for damage occasioned by persons riotously and tumultuously assembled therein: Be it therefore enacted, &c. Preamble.

And it is hereby enacted by the authority of the same, That if any church, chapel or other building, built, erected or used for religious worship, or any house, out-house, warehouse, office, shop or other building or erection used in any trade or business, or for the private use and convenience of the owner or occupier thereof, or any mill, steam-engine or machinery, erected or used in any manufacture or business, shall be demolished, pulled down or destroyed, wholly or in part, by any persons riotously and tumultuously assembled together, in every such case the Municipality of the City, Town, Township, Village or County in which any of the said offences shall be committed, shall be liable to yield full compensation to the person or persons damaged by the offence, not only for the damage so done to any of the subjects hereinbefore enumerated, but also for any damage which may, at the same time, be done by any such offenders to any fixtures, furniture or goods whatever in any such church, chapel, house or other building or erection aforesaid. Municipalities to be answerable for damages done by mobs, &c.

II. Provided always, and be it enacted, That no action shall be maintainable by virtue of this Act, for the damage caused by any of the said offences, unless the person or persons damaged, or such of them as shall have knowledge of the circumstances of the offence, or the servant or servants who had the care of the property damaged, shall within seven days after the commission of the offence go before some Justice of the Peace residing near and having jurisdiction over the place where the offence shall have been committed, and shall state upon oath before such Justice the names of the offenders if known, and shall submit to the examination of such Justice touching the circumstances of the offence, and become bound by recognizance before him to prosecute the offenders when apprehended: Provided also, that no person shall be enabled to bring any such action unless he shall com- On what conditions an action shall be maintainable under this Act.

Proviso; as to notice of action, &c.

mence the same within three calendar months after the commission of the offence, nor until after one calendar month's notice shall have been given by the party entitled to bring such action of the intention of such party to bring the same, during which time it shall be lawful for any such Municipality to tender amends to the party claiming damages, and if after such tender any action shall be brought such tender may be pleaded in bar of the amount of damages so tendered, and if no greater sum than the amount tendered shall be given by the Jury on the trial of such cause then a verdict shall be entered for the defendants. 5 10

Inhabitants
may be witnesses.

III. And be it enacted, That in any action to be brought by virtue of this Act, no inhabitant of any Municipality shall by reason of any interest arising from such inhabitancy, be exempted or precluded from giving evidence either for the plaintiff or for the defendants. 15

As to action
for damages
to a church or
chapel.

IV. And be it enacted, That every action to recover compensation for the damage caused to any church or chapel by any of the offences in this Act mentioned shall be brought in the name of the church or chapel Wardens, if there be any such, and if not then in the name or names of any one or more of the persons in whom the property of the church or chapel may be vested, and the amount recovered in any such case shall be applied in re-building or repairing such church or chapel; and where any of the offences in this Act mentioned shall be committed on any property belonging to a body corporate, such body may recover compensation in the same manner and subject to the same conditions as any person damnified is by this Act entitled to do: Provided always, that the several conditions which are hereinbefore required to be performed by or on behalf of any person damnified, may in the case of a body corporate be performed by any officer of such body on behalf thereof. 20 25 30 35

Proviso; as
Corporations,
&c.