

Justices of District of Dalhousie may impose an additional rate to pay debt incurred in erecting Gaol and Court-house;

Increased rate to be levied till debt is paid.

Mode of collecting increased rate.

Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That so soon as the said District of Dalhousie shall be erected and proclaimed according to the said Act, it shall and may be lawful for Her Majesty's Justices of the Peace residing within the said District, to direct and order the levy of an increased rate, not exceeding one penny in the pound, over and above the ordinary Assessment on all ratable property within the said District, which said new rate shall be applied in payment of the interest and principal of any sum which shall be raised under the authority of the said Act, and which said increased rate shall continue to be raised, levied and collected, until the sum so borrowed, and the interest thereon, shall be fully paid and discharged, and no longer.

II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Clerk of the Peace, in the said District of Dalhousie, to add to the Assessment Lists thereof the said increased Rate, and that the same shall be collected in the same manner as other Rates and Assessments within the said District are collected, and shall be received and accounted for and applied by the Treasurer of the said District, in pursuance of the provisions of this Act.

CHAP. XLVI.

AN ACT to confirm and regulate certain Sales of Land for Taxes, in the District of Ottawa.

[Passed 10th February, 1840.]

Preamble.

WHEREAS doubts have arisen as to the true construction and meaning of certain parts of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "An Act to amend the laws now in force regulating the Sale of Land for arrears of Taxes, and for other purposes therein-mentioned," and also of a certain Act passed in the first year of Her Majesty's reign, entitled, "An Act to postpone the Sale of Lands in arrear for Taxes": *And whereas,* under colour of the said recited Acts, certain lands situate in the District of Ottawa, and which before the passing of the said first-recited Act were in arrear for Taxes eight years and upwards, have been sold by the Sheriff of the said District, at Public Auction, to satisfy such arrears, although the period for which such sale was advertised commenced before the passing of the said last

recited Act: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the sales of lands in the said District of Ottawa, which were effected by the Sheriff of the said District, for the arrear of taxes in the month of June now last past, shall be and the same are hereby confirmed and made valid, to the same extent as if the said first-recited Act had never been passed: *Provided nevertheless*, that it shall be the duty of the Sheriff of the said District, and he is hereby required immediately after the passing of this Act, to publish a list of all the lands sold by him as aforesaid in the Upper Canada Gazette, and in at least one Newspaper in the Eastern and Bathurst Districts respectively, and also in not less than four public places in the District of Ottawa; and it shall and may be lawful for the said Sheriff, within two years after the date of such advertisements, to convey to the respective purchasers the lands so sold as aforesaid, according to the manner and form prescribed by the laws now in force in this Province for the conveyance of lands sold by the Sheriffs of the several Districts therein for the arrears of taxes: *Provided always*, that nothing in this Act contained shall be construed to give effect to or make legal and valid any sale of lands for taxes, where such lands were not liable to the rates and assessments imposed by the laws of this Province, or to be returned by the Treasurer as in arrears for such rates and assessments.

Certain sales of land for taxes, in the District of Ottawa, confirmed;

Sheriff to publish a list of such lands;

And within two years thereafter may convey to purchasers;

Not to make valid sales of lands which were not liable to have been returned by the Treasurer as in arrears.

II. *And whereas* in the month of January, one thousand eight hundred and thirty-four, by an accidental fire, the greater part of the books, papers and accounts of the Treasurer's Office of the said District of Ottawa, were burned and destroyed, by reason whereof there is cause to apprehend that the lists which have since been made out, from time to time, of lands in arrear for taxes, have in some instances comprised lands upon which the taxes have really been paid, but of which payment no trace remained on record in the Treasury Office: *And whereas* it is expedient that the fact of any such payment should be duly placed on record in the said Office: *Be it therefore further enacted by the authority aforesaid*, That it shall be the duty of the Sheriff of the said District, immediately after the passing of this Act, to publish in the Upper Canada

Recital;

Sheriff of Ottawa to publish a list of lands which have been sold for arrears of taxes since the first January 1834.

Gazette, and in at least one Newspaper in the Eastern and Bathurst Districts respectively, and also in not less than four public places in the District of Ottawa, a list of all the lands which have been sold for arrears of taxes by him or by his predecessor in office, since the first day of January one thousand eight hundred and thirty-four.

III. *And be it further enacted by the authority aforesaid,* That the said list shall also comprise a notice signed by the said Sheriff, requiring all persons who may have paid the assessed taxes upon any of the lands so advertised, at any period prior to the first day of May, one thousand eight hundred and thirty-five, to produce to the Treasurer of the said District, within three years from the day of the publication of the said list and notice, any receipt signed by any Treasurer of the said District, or an affidavit in the manner prescribed by the existing laws of this Province, in cases where the assessed taxes have been actually paid, but not duly credited, in proof of such payment.

Notice to be published calling on persons who have paid taxes to produce their receipts, or a proper affidavit of payment.

IV. *And be it further enacted by the authority aforesaid,* That in all cases where the owners or claimants of land that may have been erroneously sold as aforesaid, shall neglect or omit within the period last specified, to produce to the Treasurer of the said District due proof of the payment of the taxes in the manner hereinbefore directed, the sales which the Sheriff of the said District may have effected of such lands for the arrears of taxes, shall be and the same are hereby confirmed and made valid.

If owners neglect to produce such receipt or proof, any sale which the Sheriff may have made of their lands confirmed.

V. *And be it further enacted by the authority aforesaid.* That the Sheriff and Treasurer of the said District respectively, shall be and they are hereby fully exonerated and discharged from all actions for damages which might be brought or maintained against them, or either of them, for the sale of any lands which, by reason of the destruction of the records of the Treasury Office, as above recited, may have been or shall happen to be erroneously disposed of as for arrears of taxes, between the first day of May one thousand eight hundred and thirty-five, and the first day of May one thousand eight hundred and forty-four.

Sheriff and Treasurer exonerated from actions in certain cases.

VI. *And be it further enacted by the authority aforesaid,* That the period required by the said first-recited Act, to intervene between the public auction of lands in arrear for taxes, at the rate of two shillings and sixpence per acre, and the final sale of such lands remaining unsold on the terms last-mentioned, shall be the interval between the day when such lands shall be offered for sale upon the said terms, and the second day of the Court of General Quarter Sessions of the Peace then next following:

Period to intervene between sale of lands at the rate of 2s. 6d. per acre and the final sale desired;

Provided nevertheless, that in all cases where a longer period has been construed and acted upon by any Sheriff in this Province, such construction and all acts thereunder performed by such Sheriff, shall be and the same are hereby confirmed and made valid, any law to the contrary thereof in any wise notwithstanding.

Not to avoid any thing heretofore done.

CHAP. XLVII.

AN ACT to continue an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled, 'An Act to extend the Limits of the Town of York, to erect the said Town into a City, and to Incorporate it under the name of the City of Toronto.'"

[Passed 10th February, 1840.]

WHEREAS the Mayor and Corporation of the City of Toronto, have by their Petition prayed that an Act passed in the seventh year of the reign of His late Majesty, entitled, "An Act to alter and amend an Act passed in the fourth year of His Majesty's reign, entitled, 'An Act to extend the Limits of the Town of York, to erect the said Town into a City, and to Incorporate it under the name of the City of Toronto,'" be continued and made perpetual: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the thirty-fifth clause of the said Act be and the same is hereby repealed.

Preamble.

Thirty-fifth clause 7th Wm. IV, ch. 39, repealed.

II. *And be it further enacted by the authority aforesaid*, That Her Majesty's Executive Councillors in and for this Province, being Justices of the Peace in and for the Home District, shall and may exercise jurisdiction over offences committed within the said City of Toronto as such Justices, any

Executive Councillors to have jurisdiction as Justices of the Peace in the City of Toronto.