

Laws of His Majesty's Province of Upper Canada, passed in the year 1857. Toronto: Stewart Derbshire & George Desbarats, 1857.

20 Victoria – Chapter 20

An Act to amend the Consolidated Municipal Loan Fund Act. Assented, to 10th June, 1857.

Whereas by the seventh section of the Consolidated Municipal Loan Fund Act (sixteenth Victoria, chapter twenty-two), it is provided that if any sum of money which ought under the said Act to be paid by the Treasurer of any Municipality to the Receiver General, shall remain unpaid during three months or upwards after it ought to have been so paid, then, upon the certificate of the Receiver General that such sum is so due and unpaid, it shall be lawful for the Governor to issue his warrant to the Sheriff of the County, reciting the facts, and commanding him forthwith to levy such sum by rate, &c., which said provision was extended to Lower Canada (with the other parts of the said Act) by the Act eighteenth Victoria, chapter thirteen, and made to apply in like manner to the Sheriffs of Judicial Districts therein; And whereas it may not at all times be expedient to direct a levy at one and the same time of the whole sum for which any such Municipality may be in default as aforesaid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. So much of the seventh section of the Act above recited as renders it necessary in all cases that the warrant of the Governor shall issue for the whole amount due by the Municipality, is hereby repealed; and it shall be lawful for the Governor, if he shall see fit, to issue his warrant to the Sheriff, directing the rate which he shall levy: Provided nevertheless, that such rate shall not be less than two shillings and six pence in the pound on the yearly value of the assessable property in the Municipality, or a proportionate rate on the actual value of such property, reckoning the yearly value at six per cent, on its actual value — except in cases in which the proceeds of such rate would, in the opinion of the Governor, exceed the amount for which such Municipality is in default and the costs of the levy, when it shall be lawful for the Governor to direct such rate to be so levied as will, in his opinion, produce an amount fully sufficient to pay that for which the Municipality is in default and the costs of the levy, the surplus (if any) being returned to the Municipality according to law; Provided further, that it shall be the duty of the Treasurer of any Municipality in arrear for any sum of money under the said recited Act, within one month after the time when such sum of money is payable, to certify to the Secretary of the Province, the total value of the assessable property, and the rate in the pound in such municipality, for the year next preceding such default.

II. It shall be lawful for the Governor, in all cases in which a Municipality shall be certified to him by the Receiver General to be in default as aforesaid, to issue his warrant to the Sheriff, directing him to seize all goods and chattels, and other property or things liable to be seized in execution, lands and tenements, belonging to such Municipality, and to sell the same, or so much thereof as may be necessary to produce the amount for which such Municipality is in default and costs, as he would under execution against such Municipality, and to pay the proceeds unto the Receiver General in liquidation of such amount; Provided always, that no School House or Houses, Alms House, Fire Engine or Fire hoses or Engine House, Court-house or Gaol, or property required for the administration of Justice, shall be seized or sold under such warrant.

III. Provided always, That whenever a loan shall have been effected on the credit of the said Consolidated Municipal Loan Fund by any Union of two or more Counties then united for municipal purposes, but which have been or shall be afterwards separated before such loan shall have been paid, and such Counties shall upon such separation have agreed or shall hereafter agree in the manner provided by law, as to the part which each or any of them shall have in the liability arising out of such loan, then such agreement shall be the rule by which the Receiver General shall be guided in ascertaining the liability of each of such Counties, and the amount to be paid by or levied upon each of them in respect of such loan, in case of any default to pay any sum which ought under the said Act to be paid to the Receiver General in respect of the same; and any County having paid its share of such liability so ascertained shall not be liable in respect of the share thereof of the other County or Counties united with it when the loan was effected.

IV. It shall be lawful for the Governor to direct the Receiver General to withhold the share of the Clergy Municipalities Fund accruing and which may hereafter accrue to any Municipality certified by the Receiver General to be in default, or from the several Municipalities in any County while such County is so certified to be in default, and to carry such share or shares to the credit of such Municipality or County on account of such default.