

and in arrear should be required to pay the Taxes due by them : Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for any Collector or Collectors in office during the present or any future year in the Town, Township or place in and for which he or they may be such Collector or Collectors respectively, to demand, collect, levy, sue for, recover and receive, in the same way and by such means as any Collector or Collectors may then lawfully use for collecting, levying and recovering Local Taxes in Upper Canada, all such arrears of Taxes, Rates and Assessments as became due between the years one thousand eight hundred and thirty-six and one thousand eight hundred and forty-nine, (both years inclusive) and which now remain due and unpaid.

Collectors in office may collect arrears of former years.

Notice to the party in default, and mode of proceeding for enforcing payment, &c.

II. And be it enacted, That no person shall be sued for recovery of any such arrears until the same shall have been first demanded by the Collector or person specially appointed as aforesaid in the usual way, and four days (exclusive of the day of demand,) shall have elapsed without payment being made; and the Collector shall be the plaintiff in the suit or proceeding, which proceeding shall be by and before a Judge of the Division Court, or two Justices of the Peace, by summons and distress warrant in the usual way, or before the Judge of the County Court, who shall have power respectively to examine the parties themselves, if they or he deem it necessary, and their witnesses on oath, and to receive in evidence all such matters as they or he see fit to receive, in order to enable them to arrive at a just and equitable decision in the matter; and they or he shall have power to award to either party such reasonable costs as they or he may think proper, and also to allow the defendant to set off any money, produce, work or other matter heretofore paid, or delivered to, or performed by him for the Collector suing, or to or for the Collector who acted at the time when he became in arrear, if it shall appear to the said Justices or Judge, at the hearing of the case, that any such payment, delivery or performance was intended to be in satisfaction, either wholly or in part, of the arrears claimed, and the said Justices or Judge, as the case may be, shall decide according to the legal or equitable merits of each case; any law or usage to the contrary thereof in any wise notwithstanding.

Taxes so collected to be paid over to the proper treasurer.

III. Provided always, and be it enacted, That such Collectors as aforesaid, shall pay over the sums by them collected as aforesaid, to the Treasurer or other officer entitled to demand and receive the same, first deducting their lawful charges and allowances; and in default thereof, shall be subject to such penalties or legal proceedings as are provided by the laws of Upper Canada, with regard to Collectors failing to account for or pay over taxes due in the localities for which they are appointed.

CAP. LXX.

An Act to repeal the Enactment appropriating the proceeds of that portion of the Marriage License Fund arising in Upper Canada, to the support of certain specified Institutions only, and to leave the same at the disposal of Parliament for Upper Canadian purposes generally

[10th August, 1850.]

Preamble.

WHEREAS it is expedient to amend the Act hereinafter mentioned, so far as regards the appropriation of that portion of the Marriage License Fund arising in Upper Canada : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and*

and Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, That the third section of the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to provide for the payment of certain Rebellion Losses in Lower Canada, and to appropriate the proceeds of the Marriage License Fund*, shall be and is hereby repealed, and that the proceeds of that portion of the Marriage License Fund arising in Upper Canada, shall be at the disposal of the Provincial Parliament for purposes of public interest in that portion of the Province.

Sec. 3, of 9 Vic. c. 65, repealed, &c.

C A P . L X X I .

An Act to enable the Provincial Government to dispose of claims against certain Companies for Loans made to them under the authority of certain Acts of the Parliament of Upper Canada.

[10th August, 1850.]

WHEREAS the Government of this Province, or that of the Province of Upper Canada, hath at divers times, under the authority of Acts of the Legislature of Upper Canada, advanced or paid sums of money to or for Companies incorporated for the purpose of constructing canals, rail-roads, harbors, roads and other works and improvements of a public nature in Upper Canada, and such sums or part thereof, or the interest thereon or part thereof, remain due to the Province, and it is expedient to authorize the Provincial Government to dispose of the claim of the Province for any such sum as aforesaid, to any party who may be willing to purchase the same, and upon such terms as may be agreed upon between the Government and such party: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Governor in Council, by any Order in Council to be made for that purpose, to assign, transfer and convey to any Municipal Corporation, Incorporated Company or other party, who may agree to purchase the same, the claim of the Province for any sum of money due from any Company or party, and arising out of any such advance or payment as is mentioned in the preamble to this Act, on such conditions and with such clauses, provisions and limitations as shall be mentioned in such Order in Council, including the undertaking of any third party to become surety for the due payment of the consideration money, and the faithful performance of any conditions therein mentioned; and any such Order in Council shall transfer to and vest in the party therein named for that purpose, all the rights of the Crown in and to the debt or claim thereby intended to be transferred, and shall have effect according to the tenor thereof, as if the clauses, conditions and provisions thereof were inserted in this Act: and a copy of the *Canada Gazette* containing any such Order in Council, or any copy of such Order certified by the Provincial Secretary, shall be evidence thereof, and the consent and agreement of all the parties named therein shall be presumed, unless disputed by such parties, and if disputed, shall be proved by any copy of such Order in Council on which the consent of such parties shall be written and attested by such signature or seal, or both, as would be sufficient to make any deed or agreement the deed or agreement of such parties: and any Municipal Corporation in or through whose Municipality any such public work or improvement as is mentioned in the preamble to this Act, may lie or pass, is hereby empowered to purchase any claim of the Province upon the same, and to raise by assessment the sum necessary to pay the consideration agreed upon.

Preamble.

Governor in council may assign claims against companies, and how.

Evidence of such transfer.

Municipal corporations empowered to purchase.