#### CAP. XLV.

An Act for the relief of Mortgagees.

[ 30th August, 1851. ]

HEREAS it is expedient that relief should be afforded to Morgagees of Preamble. freehold and leasehold property in certain cases in which they are not sufficiently protected by law: 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 and may be lawful for any Mortgagee of Mortgagee of freehold freehold or leasehold property, or any Assignee or Assignees of such Morgagee, to take and receive from the Mortgagor or Assignee of such Mortgagor, a release of the equity of redemption in such property, or to purchase the same under any power of sale in his Mortgage, or any judgment or decree, without thereby merging the Mortgage debt as against any subsequent Mortgagee or registered judgment Creditor of the same

equity of redemption &c., without merger of his debt.

II. And be it enacted, That whenever any prior Mortgagee or Assignee or Assignees property. of such prior Mortgagee of such property as aforesaid, shall take a release of the equity of redemption of the Mortgagor or his Assignee in such Mortgaged property as aforesaid, or shall purchase the same under any power of sale in his Mortgage or any judgment or decree, no subsequent Mortgagee or his Assignee, or registered judgment Creditor shall be entitled to foreclose or sell such property without redeeming or selling subject to such prior Mortgagee or his Assignee, in the same manner as if such prior Mortgagee or his Assignee had not taken, received or purchased such equity of redemption of the Mortgagor or his Assignee.

When prior Mort-gagee shall take release of equity of redemption, &c., subsequent Mort-gage &c. not entitle gagee, &c. not entitled to forcelose or sell property, without redeeming, &c.

III. And be it enacted, That nothing in this Act contained shall be construed to affect any priority or claim which any Mortgagee or judgment Creditor shall or may have or be entitled to under any Act in force relating to the registry of titles to land.

Priority of any Mortgagee not to be affected by this Act.

IV. And be it enacted, That on any proceeding for foreclosure by, or redemption against any Assignee or Assignees of any Mortgagee, the statement of the Mortgage account, under the oath of such Assignee or Assignees, shall be sufficient prima facie evidence of the state of such account, and no affidavit or oath shall be required from the Mortgagee or any intermediate Assignee denying any payment to such Mortgagee or intermediate Assignee, unless the Mortgagor or his Assignee, or the party proceeding to redeem, shall deny the correctness of such statement of account by oath or affidavit. V. And be it enacted, That this Act shall extend only to Upper Canada.

In proceedings for fore losure, & state of Mortgage account may be proved primate facic by statement on oath of Assignee of Mortgagee.

Extent of Act.

#### CAP. XLVI.

An Act for granting to Her Majesty certain sums required for defraying certain expenses of the Civil Government for the year one thousand eight hundred and fifty-one, and certain other expenses connected with the Public Service.

[ 30th August, 1851. ]

MOST GRACIOUS SOVEREIGN:

THEREAS by Messages from His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, bearing date respectively the twenty-third day of June, and the sixth day of August, in the present year, one thousand eight hundred and fifty-one, and the Estimates accompanying the same, laid before both Houses of the Provincial Legislature, it appears that the

sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province for the year one thousand eight hundred and fifty-one, not otherwise provided for by law, and also for defraying certain contingencies of the Public Service connected with the Public Works, and for other purposes in the said Messages and Estimates mentioned: May it therefore please Your Majesty that it may be enacted, and Be it 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 from and out of any unappropriated moneys forming part of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum not exceeding in the whole Three Hundred and Eighty Thousand Two Hundred and Sixty-two Pounds, Eight Shillings and Two Pence, currency, for defraying the several charges and expenses of the Civil Government of this Province, for the year one thousand eight hundred and fifty-one, set forth in the Schedule to this Act.

£380,262 8s. 2d. Cv. appropriated, out of C. R. Fund.

£1000 out of Jesuits' Estates Fund.

II. And be it enacted, That from and out of any unappropriated moneys forming part of the Jesuits' Estates Fund, there shall and may be paid and applied a sum not exceeding Four Thousand Pounds, towards the support of certain Educational Institutions in Lower Canada, as mentioned in the Schedule aforesaid.

Accounting clause.

III. And be it enacted, That the due application of the moneys hereby appropriated shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct.

Accounts to be laid before Parliament.

IV. And be it enacted, That a detailed account of the moneys expended under the authority of this Act, shall be laid before the Legislative Assembly of this Province during the first fifteen days of the Session of the Provincial Parliament next after such expenditure.

#### SCHEDULE.

SUMS GRANTED TO HER MAJESTY BY THIS ACT, AND THE PURPOSES FOR WHICH THEY ARE GRANTED.

1. Upon the Estimate accompanying the Message of His Excellency, bearing date 23rd June, 1851.

SERVICE.	A sum not exceeding — Currency.	Currency.
Militia Stoff.	£ s. d.	£ s. d.
Salaries of two Deputy Adjutants General of Militia for the year, 1851	490 0 0 66 <b>0</b> 0 300 <b>0</b> 0	2056 0 0

# 14° & 15° VICTORIÆ, CAP. 46.

Expenses of the Legislature.—Legislative Council.    Expenses of the Legislature.—Legislative Council.   Gold	£ s. d
Salary of the Speaker of the Legislative Council, for the year 1851	
Legislative Assembly.  Salary of the Speaker of the Legislative Assembly, for the year 1851	<b>7345</b> 0
Salary of the Speaker of the Legislative Assembly, for the year 1851	
Pension of William Ginger as late Sergeant at Arms to the Legislative Council of Lower Canada, for the year 1851	32750 0
Pension of William Ginger as late Sergeant at Arms to the Legislative Council of Lower Canada, for the year 1851	
Pension of Jacques Brien for wounds received in the Public Service for the year 1851  "Mrs. Margaret Powell, as late Keeper of the Public Offices, Toronto, do Allowance to do in lieu of rooms occupied by her in the Public Buildings at Toronto.  "Mrs. McDonell, on her claim for dower on certain property taken by Government through the Welland Canal Commissioners, during her life, for the year 1851.  "Antoine Harnel and his wife, for the use of their land on Anticosti, for	460 13
Allowance to do in lieu of rooms occupied by her in the Public Buildings at Toronto.  Mrs. McDonell, on her claim for dower on certain property taken by Government through the Welland Canal Commissioners, during her life, for the year 1851.  Antoine Hamel and his wife, for the use of their land on Anticosti, for	Jane Service
life, for the year 1851	
Antoine Hamel and his wife, for the use of their land on Anticosa, lot	
	_ 150 0
Hospitals and other Charities.	_ 100 0
Relief to Foundlings and Indigent Sick Persons in the District of Quebec, for the year 1851.  Do do do do of Montreal, do of Three-Rivers do do of Three-Rivers do do do of Three-Rivers do do do of Three-Rivers do do do do of Three-Rivers do do do do of Three-Rivers do do do do do of Three-Rivers do	

## 14° & 15° VICTORIÆ, CAP. 46.

SERVICE.	A sum not exceeding — Currency.	- Currency.		
Hospitals and other Charities.—Continued.	£ s. d.	£ s. d.		
And to the University Lyung-in Hospital at Montreal, for the year 1851	50 0 0 50 0 0 5000 0 0 5000 0 0			
Temporary Lunatic Asylum at Beauport near Quebec, balance due on the expenditure of last year.  Aid to the Hamilton Hospital, for the year 1851	213 3 11 300 0 0 750 0 0 500 0 0 500 0 0 300 0 0			
Aid to the Kingston General Hospital, do		16963 3 11		
Aid to the Medical Faculty of McGill College at Montreal, for the year 1851  School of Medicine at Montreal, do	250 0 0 250 0 0 250 0 0 50 0 0 100 0 0 100 0 0			
" of Lower Canada, do do  Contingent Expenses of the Administration of Justice.	600 0 0	2850 0 0		
Contingent Expenses of the Administration of Justice in Upper and Lower Canada not otherwise provided for, for the year 1851.  Towards the Support of the Provincial Penitentiary at Kingston.  Salaries of four Judges in Lower Canada, over and above those provided for in the Civil List.  Addition to the Salary of the Provincial Judge of the District of St. Francis.  Miscellaneous Items.	30000 0 0 5000 0 0	- 3919 <b>1</b> 9 <i>O</i>		
Towards paying the Salary of the Deputy Provincial Registrar and French Translator				
to Government, for the year 1851.  Allowance of Keepers of Depôts of Provisions on the River St. Lawrence for the relief of shipwrecked persons.  Purchase of Provisions for the Depôts on the River St. Lawrence.  Allowance to Pierre Brochu, for residing on Kempt Road, to assist Travellers on that	200 0 0 150 0 0			
road.  " to Jonathan Noble for do do  Printing the Laws and other Printing for the Public Service	25 0 0 25 0 0 6000 0 0 600 0 0			
Ordinary repairs, alterations, rent, insurance, and care of Public Buildings To meet unforseen Expenses in the various Branches of the Public Service Contingent Expenses of the Office of the Clerk of the Crown in Chancery. Proportion of this Province of the expense of keeping up Light Houses on the Isles of St. Paul and Scatterie in the Gulph of St. Lawrence	750 0 0			
To defray the Expenses of the Commissioners who may be appointed under the authority of the Act 9 Vic. Cap. 38, for enquiring into matters connected with the Public Service, and taking evidence on Oath.  To defray the Expenses of the Observatory at Quebec.  Salary of W. R. Wright as Clerk of the Provincial Secretary.	200 0 0 300 0 0			
Addition to the Salary of J. Drysdale, Clerk in the Office of Inspector General  Salary of the Messenger in the Office of the Provincial Registrar.  Additional Salary of Five Messengers—two for the Office of the Provincial Secretary—one for the Governor's Secretary,—one for the Receiver General,—and one	25 0 0 66 0 0			

SERVICE.		Currency.	
	£ s. d.	£ 5. d.	
Aliscellaneous Items.—Continued.			
alary of the Secretary of the Board of Statistics	75 0 0 2000 0 0		
	200 0 0		
alary of a Clerk in the Customs Branch of the Inspector	182 10 0		
alaries of two other extra Clerks in the Customs Blanch of the Inspect	300 0 9		
Addition to the salary of C. E. Anderson, Conndennal Clerk in the	100 0 0 100 0 0		
Office.  Salary of the Keeper of the Parliamentary Buildings at Quebec.  To pay John Arthur Roebuck, Esquire, in full compensation for his services as Agent  to the late House of Assembly of Lower Conada.	1666 13 4		
to the late flous of the well-			
To compensate W. L. Mackenzie, Esquire, for his services as such by the House land Canal Company in 1835, he having been appointed as such by the House of Assembly of Upper Canada, in accordance with an Act of the Provincia	250 0 0		
Parliament	-		
To pay to the Executors of the late Robert Randall, in Felicial Action by dered by him to the Province of Upper Canada, the same being voted to him by the House of Assembly of that Province.  For opening a Road to the tract of Land laid apart for Schools, the same to be	500 0 0		
refunded by the settlers			
To enable the Government to pay the purchase money of a lot of land for Mrs.  To enable the Government to pay the purchase money of a lot of land for Mrs.  Martha Wilson and her children, of the Township of Wellesley, widow of the Martha Wilson and her children, of the Township of Wellesley, widow of the Martha Wilson and her children, of the Township of Wellesley, without the was murdered whilst in execution of a Magistrate.	e s		
Martha Wilson and her children, of the Township of the John H. Wilson, who was murdered whilst in execution of a Magistrate Warrant.  For arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the late George Pyker arrears of Circuit Allowance due to the representatives of the Circuit Allowance due to the representative due to the circuit Allowance d	136 2 6		
formerly Judge of the King's Bellin Dublic Officers, Clerks, &c., whose	e		
salaries do not exceed Four Indicate of Covernment from Montreal	.0		
Toronto in November of 1849, in consequence of being subjected to the payment	nt 729 11 2		
Towards Expenses of the Industrial Exhibition in London	nt 1500 0 0		
Buildings at 1000ftb, the same having	. 290 15	0	
by the Assembly of Upper Canada.  To pay the salaries of W. B. Jarvis, and J. McLean, Sheriffs of the late Home at Midland Districts, for four years, at One Hundred Pounds Sterling each p	ıd		
annum	1750 0		
Building a residence for the Governors, at Tolonto, and	. 10000 0	9	
Rent of Public Buildings, &c	1350 0	0	
Purchase of Spencer Wood at Quebec for the Province	1250 0	0	
Balance of expenses of temovial to 2000	9000 0	0	
Expenses of removal to Quebec.  Fitting up the General Post Office.  Expenses of maintaining the Rural Police in the District of Three-Rivers.  Expenses of Inquiry into the state of the Montreal Provident and Savings' Bank.	100	0 0 54391 12	
Expenses of Inquiry into the state of the Montical Provident and Education—Upper Canada.		0.001 1.2	
	1111 2	2	
victoria Conege	300 0	0	
"Queen's College (to (to Regiopolis College, Kingston, do For the Toronto Academy, one half to be paid in 1851, and the other half in 185	000 0	3611	
For the Toronto Academy, one man to be paid in 2007, the Lower Canada.			
S. L of the Secretary of the Royal Institution for the Advancement of Learning	for 100 0	0	
the year 1851			

# 14° & 15° VICTOR1Æ, CAP. 46.

SERVICE.	A sun exceed Curre	ing -	- -	Curre	ncy.	•
Education-Lower Canada,-Continued.	£	s.	d.	£	s.	d.
Eaucation—Lower Canada,—Commuea.						
Allowance to the Secretary to the Royal Institution for a messenger and contingencies  heretofore made to the Master of the Grammar School at Montreal, now allowed to the Directors of the High School in that City, in considera-	67		7			
tion of their educating twenty free scholars  heretofore made to the Master of the Grammar School at Quebec, now allowed to the Directors of the High School in that City, in con-	282	4	6			
sideration of their educating twenty free scholars £282 4s. 6d. Less, amount of Pension £111 2s. 2d., paid to the Rev. R. R.						
Burrage, formerly Master of that School.	171		4			
Aid to the National School at Quebec	111 111	2	3			
Society of Education at Quebec	280	0	0			
" British and Canadian School at Quebec	200 125	0	0			
" Education Society at Three-Rivers " British and Canadian School at Montreal	200	0	0			
St. Andrew's School at Quebec	100	0	0		1977	
" St. Jacques School at Montreal	250 100	0	9			144
College of Ste. Anne de la Pocatière	300	0	0			
of St. Hyacinthe	300	0	0			
" of L'Assomption " of Chambly	300	-	0	na sa Waliota wa		
"Academy at Berthier	100	0	0			
at Charlestown	100	0	0			
Shefford Academy			ŏ			
Sherbrooke Academy	111	2	2			
"Granby Academy Bedford School	50 50		0			
"Three-Rivers Academy	45	0	0			
"Rritish North American School Society at Sherbrooke	50 100		0			
" High School at Durham Village, Missisquoi		11	1			
Female School at Indian Lorette, near Quebec	50		0			
Indian School at Caughnawaga	90		0			
" at St. Regis" " at St. Francis	50		9			
" College at Ste. Thérèse	300		0			
" at Nicolet.  "Bishop's College at Lennoxville	200	0	0			
Joliette College	100	0	0			
"Clarenceville Academy	50	0	0			
"Mason College, Terrebonne" Rigaud College, Vaudreuil	250 150	_	0			
For the College of St. Hyacinthe, as an aid to the building of the new College " at Ste. Thérèse do do	1000 500	0				
Total for Lower Canada	7160		2			
Of which is charged against the Fund of the Jesuits' Estates	4000	0	0	2160	Λ	2
				3160		
Total out of Consolidated Revenue Fund			£.	162922	1	0.0

## SCHEDULE.—Continued.

PUBLIC WORKS.	
Expenditure on the Welland Canal for the year 1851.  " " Lachine Canal.  " " Beauharnois Canal.  " " Cornwall Canal.  " " Williamsburg Canal.  " " Junction Canal.  " " River Richelieu.  " " Ottawa Works	£ s. d. 19499 4 0 28789 0 0 13780 0 0 8513 0 0 12459 0 0
<ul> <li>Williamsburg Canal</li> <li>Junction Canal</li> <li>River Richelieu</li> <li>Ottawa Works</li> </ul>	35000 0 0 4500 0 0 1812 0 0 1800 0 0
" River Richelieu " Ottawa Works Survey of the St. Lawrence Rapids and Temiscouata Road. Expenditure on Light Houses from Lake St. Louis to Lake St. Clair. " on Melbourne Bridge	3250 0 0 78 11 2
For Lights, Piers, &cviz:	
Pier and Light at Father Point or Rimouski, for the year 1851	5500 0 0 4000 0 0
Delthier, And I was a Shool or at Tittle Metis	600 0 0 600 0 0 5000 0 0
Beacon or Bell Buoy, Gun and Keepers' Residence at Maniconagan Shoaf of at Interview year 1851.  Light House at Cape Rosier, for the year 1851.  Pier and Light at Les Eboulements, do do  "Malbaie, do do  Awards, Damages and Expenses of Arbitrations.	3500 0 0 15000 0 0
Total Currency	£ 186580 15

# 2. Upon the Estimate accompanying the Message of His Excellency, bearing date 6th August, 1851.

SERVICE.				A sum not exceeding — Currency.			
To make good various indispensable expenses of the Civil Government incurred	£	s.	d.	£	s.	d.	
of that year laid before the Legislature  Payment of New Indian Annuities for the year 1851  Palance of portion of Expenses of Survey of Halifax and Quebec Rail-way, to be	7865		2	9600 1100	3	9	
borne by Canada  Balance of Grant for this service made in 1847, unexpended £1127 3 2  Balance of Grant for this service made in 1847, unexpended £1127 3 2  Amount of do do do 1849, do 6322 1 4	7449						
				416	9	8	
Additional sum now required  To defray the final balance of Expenses of the Commission of Enquiry into the state of the Montreal Provident and Savings Bank.  To defray the grant for the British North American Electric Telegraph Association.  To defray the grant for the British Porth Parliamentary Library to be charged in the			••	342 500			
To pay the additional grant for the Tarnamentary			••	2000	0	0	
To defray the estimated expense for the protection of the Fisheries in the Can-	***		••	1000	0	0	
Canada  In Aid of L'Academie Industrielle at St. Laurent	••			400 150		0	
Guelph, Simcoe and Woodstock			•	500 250 4500	0	0	
For the erection of the Toronto Post Office, and for the purchase of a Site	•		•••	10000			
Total Currency		• • •		30759	12	0	