

sell or dispose of any lot or parcel of land which may belong to the said Hospital save and except for the purpose of raising funds to redeem such Debentures and to pay the interest accruing thereon from time to time ; any thing in the said Act hereinbefore first cited to the contrary notwithstanding.

and no land to be sold, except pay Debentures.

X. And be it enacted, That this Act shall be a Public Act. Public Act.

C A P . C C X X I .

An Act to continue and extend the Act to enable the County of Welland Municipal Council to purchase the Great Cranberry Marsh, and for other purposes.

[Assented to 14th June, 1853.]

WHEREAS by the Act passed in the Session held in the Preamble.

fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to authorize the County of Welland Municipal Council to purchase certain lands in the said County, known as the Great Cranberry Marsh, and for other purposes*, it is amongst other things enacted, that the Commissioners or Building Committee therein named, or the said County Council of Welland, should make the purchase or other acquisition of the said Land, at or before the end of the present Session of the Provincial Parliament ; And whereas the said Commissioners or Building Committee, or the said County Council of Welland, have not yet fully completed the purchase or other acquisition of the said land, although the said Commissioners have entered into an agreement in writing with the Commissioners of Public Works for the purchase of the same, and have paid the first instalment of the purchase money thereon, amounting to the sum of Three Hundred and Twenty-two Pounds Sixteen Shillings ; And whereas the said Commissioners or Building Committee have by their Petition prayed that the time for completing the said purchase or other acquisition of the said Land may be extended, and it is expedient to grant the same : 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 the said Act hereinbefore in part recited, shall be and the same is hereby continued to the first day of January next after the passing of this Act, and thence until the end of the then next ensuing Session of Parliament.

14 & 15 V. c. 139.

The said Act continued.

II. And be it enacted, That it shall and may be lawful for the said Chairman of the said Board of Commissioners, by and with the consent of the majority of the said Commissioners immediately Mortgage to be executed to the Crown for securing

performance
of conditions.

immediately on the completion of the said purchase, to execute to the Government of this Province, at the request of and in such manner and form as shall be satisfactory to the Commissioners of Public Works, a mortgage or mortgages, in fee or other conveyance of the said land for the purpose of securing payment of any balance of the purchase money that may then remain due according to the terms of sale, with covenants for the due performance of such conditions, stipulations and agreements as are set forth and contained in the said Agreement in writing so as aforesaid, made and entered into between the said Board of Commissioners and the said Commissioners of Public Works, or of such other and further stipulations and Agreements as the said Commissioners of Public Works may reasonably exact or require, which said mortgage or mortgages or other conveyance and the covenants and agreements therein contained shall be deemed and taken to be, both at law and in equity, binding upon and recoverable against the said Provisional Municipal Council and their successors, in the same manner and to the same extent as if the same had been made or entered into by the said Provisional Municipal Council or by any Municipal Council authorized by law to make the said purchase, and to become bound for the payment of the purchase money and the fulfilment of the conditions of sale; any law to the contrary thereof notwithstanding.

Effect of such
mortgage.

Recital.

III. And whereas there is reason to believe that the sum of Three Hundred and Twenty-two Pounds Sixteen Shillings, so paid as aforesaid to the said Commissioners of Public Works, was paid by the said Board of Commissioners out of their own private means and not out of any moneys belonging to the said County; Be it therefore enacted, That the said sum shall become and constitute a debt due by the said Provisional Municipal Council to the said Board of Commissioners, and shall be repaid to them with interest thereon, at the rate of six per centum per annum, to be computed from the second day of May, in the year of our Lord one thousand eight hundred and fifty-three, at such time or times and in such manner as shall be agreed upon between the said Board of Commissioners and the said Provisional Municipal Council; Provided always, that it shall be incumbent on the said Board of Commissioners to prove to the satisfaction of the said Provisional Municipal Council that the said sum was so paid and advanced by them out of moneys other than those belonging to the said County.

Sum already
paid to be
a debt due by
the Council to
the Board of
Commis-
sioners.

Proviso.