

of the debt, interest and costs he was commanded to levy, and if there be any surplus after satisfying the same, the said surplus shall be paid back to the Treasurer and form part of the Sinking Fund for the extinction of the said Consolidated Debt, or if there be no part of the said Debt for which a Sinking Fund is required under this Act, then such surplus shall be applied to the general purposes of the said Corporation.

X. Provided always, and be it declared and enacted, That nothing herein contained shall be construed to impair or affect any special privilege or hypothec, granted by the Act hereby amended or by any other Acts, to the holder of any Debenture or Corporation Bond issued before the passing of this Act, forming part either of the said "General Debt," or of the said "Water Works Debt" of the said Corporation, or any remedy which, without this Act, any such holder would have to recover the principal or interest of such Debenture or Corporation Bond, or in any way to relieve the said Corporation from the obligation to make provision by all lawful means for the payment of the same; and that no further provision which the Legislature of this Province may deem it expedient to make for enforcing the provisions of this Act, or the due payment of the principal and interest of any Debenture or Corporation Bond, whether issued before or after the passing of this Act, or of any annuity secured by any Corporation Bond, shall be deemed an infringement of the privileges of the said Corporation, or of any citizen or member thereof.

Proviso.
Securities for preventing debt not to be impaired.

C A P. X X V I I .

An Act to amend the Law relating to the Recorder's Court of the City of Montreal.

[10th November, 1852.]

WHEREAS it is desirable to amend the Act of the Parliament of this Province hereinafter mentioned in so far as relates to the Recorder's Court of the City of Montreal: 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 so much of the Act of the Parliament of this Province, passed in the Session thereof held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal*,

Preamble.

Inconsistent enactments of 14 & 15 V. c. 128, repealed.

as

as is inconsistent with the provisions of this Act, be and the same is hereby repealed.

Court may be held with or without an Alderman.

II. And be it enacted, That it shall be competent for the Recorder for the said City of Montreal to hold the Recorder's Court of the City of Montreal with or without the assistance or in the presence or absence of any one or more of the Aldermen or Councillors of the said City.

Process need be signed only by the City Clerk.

III. And be it enacted, That it shall not be necessary that any Precept, Writ or Process to be issued out of the said Recorder's Court be signed by the Recorder of the said City of Montreal, or in the event of his absence or non-appointment, by the Mayor, Alderman or Councillor of the said City presiding in the said Court, and countersigned by the City Clerk of the said City, but it shall be sufficient that any such Precept, Writ or Process be signed by the City Clerk of the said City or his Deputy, as hereinafter mentioned.

City Clerk may appoint a Deputy as Clerk of Recorder's Court.

IV. And be it enacted, That it shall be lawful for the City Clerk of the said City of Montreal from time to time, by an instrument under his hand and seal to be acknowledged by him before and duly deposited and filed in the office of the said Recorder's Court, and entered and recorded in the Register thereof, to appoint one fit and proper person to be and act as his Deputy in the discharge of all and every his duties as Clerk of the said Recorder's Court, and to remove any person so appointed and appoint another in his stead; and each and every person so appointed shall at all times, while his said appointment shall remain in force and unrevoked, be to all intents and purposes a Clerk of the said Recorder's Court.

Recorder's Court may try cases of assault, &c., committed within the City.

V. And be it enacted, That it shall be lawful for the said Recorder's Court to hear, try and determine any case of common assault or assault and battery arising within the said City upon complaint of the party aggrieved praying the said Court to proceed therein under this Act, in the same manner and to the same effect and subject to the same provisions as any Justice of the Peace may by law now summarily hear, try and determine any complaint of any such offence, and also to hear, try and determine any complaint under the above cited Act against any person for assaulting or resisting any officer or constable appointed under the said Act in the execution of his duty, or for aiding or inciting any person so to assault or resist.