

Sect. 5 of Ordinance of Quebec, 17 Geo. III., c. 3, and s. 6 Act of Upper Canada 51 Geo. III., c. 9. repealed.

That the fifth section of the Ordinance made and passed by the Governor and Legislative Council of the Province of Quebec, in the seventeenth year of the Reign of His late Majesty King George the Third, intituled, *An Ordinance for ascertaining damages on protested Bills of Exchange, and fixing the rate of interest in the Province of Quebec*; and the sixth section of the Act of the Parliament of the Province of Upper Canada, passed in the fifty-first year of His said late Majesty's Reign, intituled, *An Act to repeal an Ordinance of the Province of Quebec, passed in the seventeenth year of His Majesty's Reign, intituled, 'An Ordinance for ascertaining damages on protested Bills of Exchange, and fixing the rate of interest in the Province of Quebec;' also to ascertain damages on protested Bills of Exchange, and fixing the rate of interest in this Province*, be, and the same are hereby repealed.

Penalties for usury abolished.

II. And be it enacted, That no contract to be hereafter made in any part of this Province, for the loan or forbearance of money or money's worth, at any rate of interest whatsoever, and no payment in pursuance of such contract, shall make any party to such contract or payment liable to any loss, forfeiture, penalty or proceeding, civil or criminal, for usury; any Law or Statute to the contrary notwithstanding.

Contracts and securities to be void as regards excess of interest above six per cent.

III. Provided always nevertheless, and be it enacted, That every such contract and every security for the same shall be void so far, and so far only, as relates to any excess of interest thereby made payable above the rate of Six Pounds for the forbearance of One Hundred Pounds for a year, and the said rate of six per cent interest, or such lower rate of interest as may have been agreed upon, shall be allowed and recovered in all cases where it is the agreement of the parties that interest shall be paid.

Act not to apply to Banks, &c.

IV. And be it enacted, That nothing in this Act shall be construed to apply to any Bank or Banking Institution or to any Insurance Company, or to any Corporation or Association of persons heretofore authorized by law to lend or borrow money at a rate of interest higher than six per centum per annum.

C A P . L X X X I .

An Act making certain provisions relative to the Counties of Perth, Brant and Waterloo.

[Assented to 24th March, 1853.]

Preamble.

WHEREAS the Counties of Perth, Brant and Waterloo in Upper Canada, in the month of January, one thousand eight hundred and fifty-three, were in due form of law disunited from the several unions of Counties with which they had been respectively connected, and it is necessary to make provision for the organising of Division Courts and the selection of Jurors and

and confirming certain Municipal proceedings in the said Counties respectively: 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 County Court Judges of the said Counties of Perth, Brant and Waterloo respectively, together with one or more Justices of the Peace for each of the said Counties after the passing of this Act, shall hold in their respective Counties a Special Sessions of the Peace, and at such Sessions shall declare and appoint the numbers and limits of divisions for the holding of Division Courts within such Counties respectively; Provided always that the Justices of the Peace so assembled may do, and perform all such other things as may now by law be done and transacted at a General Quarter Sessions of the Peace in any County in Upper Canada; And provided secondly, that until such declaration and appointment shall have been made, the Division Courts prior to the disunion of the said several united Counties, whose limits were within the Counties of Perth, Brant and Waterloo, shall be and be deemed to be from the periods of such disunions Division Courts, known by the numbers then affixed to such divisions of, for and in the said Counties of Perth, Brant and Waterloo respectively, and that all matters and things done since the periods of such disunions by or under the authority or supposed authority of such Division Courts, and until the declaration and appointment of new divisions as aforesaid, shall be deemed and be taken to be as valid and effectual to all intents and purposes as if such divisions for Division Courts respectively had been set apart by the Justices of the several Counties of Perth, Brant and Waterloo in due course of law; and all actions commenced in the said Division Courts before or since the disunion of the said several Counties shall and may be continued to final judgment and execution and the proceedings had thereon shall be, remain and continue proceedings of the said Division Courts of such disunited Counties respectively.

County Judges and Justices of the Peace to fix numbers and limits of Division Courts.

Proviso.

Proviso: provision made until such numbers and limits shall be so fixed.

As to pending suits, &c.

II. And be it enacted, That whenever the Justices in Special Sessions aforesaid shall declare and appoint the numbers and limits of the said Division Courts in the said Counties of Perth, Brant and Waterloo respectively, all proceedings and judgments had and taken in such Division Courts before the day when such declaration and appointment shall take effect, shall nevertheless be continued and prosecuted, and shall be considered proceedings of and in such of the Division Courts of the said Counties respectively, as the Judge of such County shall order and direct; and the further prosecution of such proceedings and judgments shall be as valid and effectual as if the

As to suits, &c., pending when such new numbers and limits shall take effect.

the

the same had originated in the Courts to which they shall be so transferred, and the said Judge may order and direct the Clerks, Bailiffs and other Officers of the several Division Courts respectively to transfer to the proper Officers all the books, papers and documents of such Division Courts respectively.

As to Jurors
for the year
1853.

III. And be it enacted, That the Sheriffs and other Officers within the said Counties of Perth, Brant and Waterloo, whose duty it is to summon and return Jurors, shall and may for the year one thousand eight hundred and fifty-three, select and return from among the resident inhabitants of such Counties respectively, the requisite number of persons to serve as jurors within such Counties respectively without reference to the mode prescribed for selecting, balloting or returning Jurors by the Upper Canada Jurors' Acts; Provided that juries *de medietate lingue*, and juries of a like nature, may be ordered by the Court before which any cause may be pending: Provided also, that the Courts, selectors of Jurors, Officers and other persons upon whom the law devolves such duties within the said Counties respectively, shall in due course take the necessary steps for selecting Jurors and balloting Jury Lists from which the panels of Jurors for the said Counties respectively, for the year one thousand eight hundred and fifty-four, under the provisions of the Upper Canada Jurors' Acts, are to be taken.

Proviso:
Juries *de me-*
dietate.

Proviso: as to
selecting
Jurors for
1854.

As to Jurors
for the unions
of 'Huron
and Bruce,'
'Wentworth
and Halton,'
and 'Wellington
and Grey.'

IV. And be it enacted, That the Jurors balloted for at the Courts of General Quarter Sessions of the Peace held in and for the several united Counties of "Huron, Perth and Bruce," "Wentworth, Halton and Brant," "Waterloo, Wellington and Grey" in the month of November one thousand eight hundred and fifty-two, and entered on the Jury Lists accordingly, shall be liable to be summoned and empannelled and to serve on Juries within the now united Counties of "Huron and Perth," "Wentworth and Halton," "Wellington and Grey" respectively, to all intents and purposes as if the said Counties of Perth, Brant and Waterloo had continued united with the said united Counties respectively, and the Sheriffs of the said Counties may cause such persons to be summoned to serve as such Jurors, notwithstanding they may reside within the limits of the said Counties of Perth, Brant and Waterloo respectively.

As to appoint-
ments and
elections of
Municipal
Officers, taxes
&c., in Brant
and Waterloo.

V. And be it enacted, That the appointments and elections of Municipal and other Officers in and for the said Counties of Brant and Waterloo respectively, and the assessments and taxes imposed of whatever kind soever they may be within the said two Counties for the year one thousand eight hundred and fifty-three, shall be taken to be valid and effectual to all intents and purposes; and that such taxes and assessments may be collected, levied and enforced in the same manner as the like taxes and assessments are collected, levied and enforced, in other Municipalities, and when received and paid shall belong to and be held and disposed of for the benefit of the said Counties

Counties of Brant and Waterloo respectively; Provided that such appointments, and the imposition of such taxes and assessments would have otherwise been legal but for the disuniting of the said two Counties as herein mentioned. Proviso.

CAP: LXXXII.

An Act to vest in the *Little Lake Cemetery Company* certain allowances for Road in the Park Lots of the Town of Peterborough.

[Assented to 24th March, 1853.]

WHEREAS certain persons in conformity with the provisions of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to authorize the formation of Companies for the establishment and management of Cemeteries in Upper Canada*, have formed themselves into a Cemetery Company, and have acquired a certain block of land in the Park Lots of the Town of Peterborough for the purposes of such Company; And whereas in the survey of the said Park Lots there is an allowance for road dividing the said block into two parts, which allowance for road is of no use to the public; And whereas in the original survey of the Township one chain from the water's edge was reserved, which reservation surrounds great part of the said block, and is of no use to the public as a road: 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 allowance for road between Park Lots five and six, in the sixteenth Lot, in the twelfth Concession of the Township of Monaghan, shall be and the same is hereby vested in the said *Little Lake Cemetery Company*. Preamble.
13 & 14 V. c.
76.
A certain allowance for Road vested in the Company.

II. And be it enacted, That the said *Little Lake Cemetery Company* shall be authorized to use, occupy and enclose so much of the reservation along the water's edge as adjoins and abuts upon the second, third, fourth, fifth, sixth, seventh and eighth Park Lots, in the sixteenth Lot, in the twelfth concession of the Township of Monaghan, and upon the allowance for road mentioned in the preceding section: Provided always, that nothing herein contained shall prevent any person navigating the Little Lake and Otonabee River, from having free access to the land for the purpose of mooring or securing any vessel, raft or boom thereto, or for the purpose of erecting any pier or other temporary or permanent work necessary for improving Company may use part of a certain reservation.
Proviso.