

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1849. Montreal: Stewart Derbshire & George Desbarats, 1849.

12 Victoria – Chapter 134

**An Act to enable the Sureties of the late Municipal Council of the Township of Hatley to enforce their claims against the said Township. 30th May, 1849.**

Whereas Auldin Plumley, of the Township of Hatley, hath by his Petition to the Legislature, set forth that he, together with one Alphonso Burbank, became Sureties for the late Municipality of the said Township of Hatley, for the costs of certain actions in which judgment had been rendered by the Commissioner's Court for the Summary Trial of Small Causes, against the said Municipality, and from which said judgments the said Municipality did appeal to Her Majesty's Court of Queen's Bench for the District of St. Francis, sitting in Inferior Term, which appeal was by the said Court of Queen's Bench set aside for want of form, thereby rendering the said Auldin Plumley and Alphonso Burbank, as such Sureties, liable for the payment of the said costs, and actions were in consequence instituted against the said Auldin Plumley and Alphonso Burbank, as such Sureties, in which said actions judgment was obtained against them for the amount for which, they had become Sureties; amounting with the costs of the said actions to the sum of one hundred and twenty-five pounds currency, and the said Auldin Plumley hath prayed relief in the premises; And whereas it appears that the said Alphonso Burbank hath suddenly departed from this Province, and the said Auldin Plumley hath thereby become solely responsible for the above mentioned amount; and in consequence of the said Municipality of the Township of Hatley having ceased to exist, the said Auldin Plumley hath no remedy at law for the recovery of the said amount, and it is expedient to make Legislative provision to enable him to recover 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 at any time within twelve months from and after the passing of this Act, it shall be lawful for the Municipality of the County of Stanstead, and the said Municipality is hereby required and enjoined to levy by assessment on all assessable property within the said Township of Hatley, or in the tract of land which heretofore formed the said Township in whatever Township any part thereof may then be, (the owner, occupant or possessor whereof shall, be known), and at such rate in the pound as shall be deemed necessary, a sum of money sufficient to pay the said sum of one hundred and twenty-five pounds currency, together with all the costs and expenses attending such assessment; of which said sum of money the said Municipality shall immediately apply so much as may be necessary to the satisfaction of the judgments rendered against the said Auldin Plumley and Alphonso Burbank as aforesaid, and to the payment of all such costs and expenses as may have been lawfully incurred; and such assessment shall and may be levied, notwithstanding any thing in the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to make better provision for the establishment of Municipal Authorities in Lower Canada*; Provided always, that all and every sums of money of or belonging to the said

late Township of Hath, now or at any time hereafter to be in the hands, possession or power of the said Municipality, of Stanstead or that may hereafter be levied of or from the said late Township of Hatley, shall be applied so far as the same shall or may extend to the liquidation and in discharge of the claims of the said Auldin Plumley and Alphonso Burbank herein before mentioned.

II. And be it enacted, That the said Municipality of the County of Stanstead shall have the same powers for enforcing the payment of, or recovering the amount so assessed from the owners, occupants or possessors of the property upon which the said assessment shall have been imposed, within the said Township of Hatley or tract of land aforesaid, and all sums of money now or heretofore due and owing by the said late Township of Hatley or by any of the inhabitants thereof, as the said Municipality would have with respect to any assessment imposed under the said last mentioned Act.

III. And be it enacted, That if the said Municipality of the County of Stanstead shall refuse or neglect to impose the said assessment or to apply the sum levied thereby to the purposes above mentioned, each Member of the Municipal Council of the said County in office while the assessment ought to have been imposed, or levied or applied, except such as shall show that he did all that the law enabled him to do towards imposing, levying and applying such assessment, and among other things by attending in his place and proposing, voting for and supporting the requisite and sufficient By-laws and Orders, shall personally incur a penalty of ten pounds currency, which shall be recoverable with costs by the said Auldin Plumley by Civil action in the Court of Queen's Bench for the said District of St. Francis, sitting in Inferior Term; Provided always, that all sums received by him for such penalties shall, be applied to the satisfaction of the judgments and costs above mentioned, or to replace any moneys which the said Auldin Plumley may have paid in satisfaction thereof, and the surplus, of such penalty, if any, shall be returned in equal proportions to the said Councillors who may have paid such penalty; saving always such recourse as any Councillor who may have paid such penalty may by law have against any of his fellow Councillors who may not have paid the same, and which he shall be entitled to wage against such fellow Councillor aforesaid.