

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 123

An Act to explain and amend the Act intituled, *An Act to establish a Consolidated Municipal Loan Fund in Upper Canada*. Assented to 23rd May, 1853.

Whereas it was intended that the ninth Section of the Consolidated Municipal Loan Fund Act should apply to By-laws passed or in course of being passed before said Act came into force for the purpose of aiding in the construction of any Railway, or for the improvement of any navigable River or other such work as provided for by the said Act: 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 ninth Section of the Act aforesaid shall be held to include any By-law for any of the purposes mentioned in the preamble to this Act which was passed before the said Act came into force, or which has been passed since the said Act came in force, but at the date of such Act was in the course of being passed.

II. That before any such Municipality shall receive or be entitled to receive any money to be raised under the above recited Act, a true copy of the By-law under which the money is to be raised, together with affidavits of the Treasurer and Clerk of the Municipality verifying the same and such other information as the Governor in Council may require, shall be transmitted to the Receiver General.

III. That if the Governor in Council shall approve of such By-law, it shall not be necessary to impose or levy annually the sum or rate per pound which may have been feed in such By-law to pay the principal and interest of the Loan, but such sum only shall be levied and collected, as may be necessary under the provisions of the sixth Section of the said in part recited Act, and all proceedings in connection with such Loan and By-law or for the recovery of any sum of money which ought to be paid thereunder, may be had and taken as if the said By-law had been passed for the purpose of raising money under the said in part recited Act and after the same came into force.

IV. That all Debentures which have been or can be issued under the authority of such By-laws as are referred to in the first Section of this Act, shall be deposited with the Receiver General before the Municipality shall be entitled to receive any of the money to be raised under any such By-law, and upon payment by the Municipality of the whole amount which shall be payable in respect of the said Loan, such Debentures shall be cancelled and destroyed in such manner as the Governor in Council shall direct; Provided always, that the money to be raised under any such By-law shall be paid by the Receiver-General only on the joint order of the Head of such Municipality and the

President of the Company entitled to receive the same; Provided also, that when any such By-law shall have been passed by the Council of any Union of Counties, and such Union shall at any time be dissolved after the passing of such By-law, the several Counties of which such Union of Counties was composed, shall continue to be liable in respect of the Loan raised under such By-law as fully and effectually to all intents and purposes as if such Union had not been dissolved, and the Sheriff of the Senior County shall have power within every county which at the time of the passing of such By-law formed part of such former Unions of Counties, to levy any rate which he may be required to collect under the seventh Section of the said in part recited Act, in the same manner as if such Union of Counties had not been dissolved; Provided also, that in case of any dissolution of a Union of Counties as aforesaid, the order hereinbefore mentioned shall be signed by the Head of the Municipality of the Senior County of such former Union.

V. And be it enacted, That no informality or irregularity in any such By-law or in the proceedings relative thereto anterior to the passing thereof, shall in any way affect the validity thereof after the Governor in Council shall have approved such By-law, but the order in Council approving such By-law shall be held to cover any such informality or irregularity, and the By-law shall be valid to all intents and purposes, and proceedings may be had for enforcing the payment by the Municipality the Council whereof passed such By-law and by the inhabitants thereof under the provisions of the Act hereinbefore in part recited, as if the By-law had been passed after the said Act and all the requirements thereof had been complied with in regard to such By-law.

VI. Nothing herein contained shall be held to authorize the raising of any Loan under the said Act, when such Loan shall have been negotiated or the Debentures issued therefor sold to any party before the passing of the said Act.

VII. And be it enacted, That it shall be lawful for the Corporation of any Incorporated Town in Upper Canada, to authorize any sum of money to be raised on the credit of the said Consolidated Municipal Loan Fund, and to appropriate such sum, or so much, thereof as may be found requisite, to defray the expence of erecting and maintaining Gas or Water works, or both, within and for the use of such Town, or for constructing or aiding in the construction of any Plank Roads or Macadamized Roads, the making of which will benefit the inhabitants of such Town, in the same manner and to the same effect and under and subject to the same provisions and the observance of the same formalities as are attached to the raising and appropriation of any sum of money to any other purpose in and by the said Act cited in the preamble to this Act and by this Act.