

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

16 Victoria – Chapter 138

**An Act to empower the Municipalities of the Counties of Two Mountains, Terrebonne, Rouville and Missisquoi, to take Stock in any Railroad Companies for the construction of Railways passing through the said Counties respectively, and to issue Bonds to raise funds for the payment of the same. Assented to 23rd May, 1853.**

Whereas the Municipal Councils of the Counties of Two Mountains and Terrebonne in Lower Canada, have, for the purpose of securing the construction of Railroads through the said Counties respectively, severally petitioned the Provincial Parliament for the passing of an Act authorizing and empowering the said Municipalities to take Stock in any Railroad Companies, incorporated for the construction of Railways passing through their respective Counties, to the extent of One Hundred Thousand Pounds currency; And whereas it is expedient to grant the prayer of the said Petitions and to extend the same privilege for a similar purpose to the Counties of Rouville and Missisquoi: Be it therefore declared and 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 declared and enacted by the authority of the same, That it shall be lawful for each of the said Councils by By-law to be passed either at one of their Quarterly Sittings or at any meeting by them regularly held, to authorize the Mayor or Chief Officer or any other person whom they may specially appoint for that purpose, to take and subscribe for Shares in the Capital Stock of any Railroad Company or Companies, now or hereafter to be incorporated for the construction of any Railway or Railways running through the said Counties respectively, to an amount not exceeding One Hundred Thousand Pounds currency, for each Municipality, and to authorize the necessary funds for the payment of the said Stock, to be borrowed upon the credit of their Municipality, and to provide for and impose a special rate and assessment over and above any rate and assessment which such Council is now by law authorized to make, upon the rateable property within such Municipality, for such sum and sums of money as may be necessary to meet the interest annually upon any money which they may borrow for the payment of the said Shares in the said Capital Stock, and also to establish a Sinking Fund to provide for the liquidation of the capital of the money which may be so borrowed by their Municipality.

II. Provided always, and be it enacted, That no By-law shall be passed by either of the said Councils authorizing such subscription as aforesaid, until after it shall have been approved by a majority of the qualified Municipal Electors of the County; and for the purpose of ascertaining whether the majority of the said Electors approve or disapprove such By-law, the Council shall appoint some qualified Municipal Elector in each Parish or Township in the County to take the votes of the Electors as to such approval or disapproval, on a day (not being a Sunday or Statutory holiday) and at an hour and place in each Parish or Township to be appointed by the Council, with

full power to such person to appoint a Deputy to act for him if need shall be, and with full power also to him or his Deputy to prolong the taking of the said votes during the next following day, not being a Sunday or Statutory holiday, if need shall be; and the day appointed by the Council shall be sufficiently distant to allow the notice hereinafter mentioned to be given: The Council shall then cause a copy of the proposed By-law or of every material provision thereof, to be published in English in some newspaper printed in the City of Montreal in that language, and appearing not less than three times each week, and in French in some newspaper printed in the said City in that language, appearing as aforesaid, and such copy shall be inserted in each of such papers on every day of the publication thereof during at least two weeks, with a notice at the foot thereof, signed by the Mayor or Clerk of the Municipality, that such By-law will be submitted for the approval or disapproval of the Municipal Electors of the County on the day, and at the hour and places appointed as aforesaid; and a copy of the By-law and notice as inserted in each language shall be posted up at the Church door (or if there be no church, then at some public place) in each Parish and Township in the County during two weeks, and shall be read at each such Church door on two consecutive Sundays in such two weeks after Divine Service (if any there be) in the forenoon; and on the day and at the hour appointed by the Council for the purpose, the person appointed to take the votes of the Municipal Electors in each parish or Township, or his Deputy, shall read to the Electors then and there present the copy of the proposed By-law in both languages, and put the question whether they approve or disapprove the same, and shall then take the votes of the Electors who shall appear and wish to vote in the same manner as they are appointed by law to be taken at Elections of Municipal Councillors, each Elector voting "Yes" if he approves the proposed By-law, and "No" if he disapproves the same, and the Poll shall be kept open until six in the evening, and then adjourned until the morning of the next day, not being a Sunday or Statutory holiday, when it shall be continued in like manner until five in the evening, when it shall be finally closed; and every person appointed to take the votes of the Municipal Electors in any place, shall have all the powers vested by law in persons presiding at Elections of Municipal Councillors; Provided that if at any time during the first or- second day, one hour shall elapse without a vote being offered, the person presiding shall finally close the Poll; and when the Poll shall be finally closed, the person presiding shall count the votes, and shall certify and return to the Municipal Council the number of votes for the approval and the number of votes for the disapproval of the By-law, together with the Poll List taken by him, and the Council shall ascertain from the said certificates, correcting them by the Poll Lists if necessary, whether the majority of the votes of the duly qualified Municipal Electors voting were given for the approval or for the disapproval of the proposed By-law, and if such majority be for the approval thereof, it shall be presumed that a majority of the whole Municipal Electors approve the By-law, and the Council shall pass it, and it shall have full force and effect, otherwise they shall proceed no further with it; Provided always, that such By-law, if passed, shall in the Preamble thereof contain a recital that all the requirements of this Act have been complied with before the passing thereof, and the correctness of such recital shall not be traversed or called in question thereafter, so as to affect the validity of such By-law, but this shall not affect the responsibility of any person or persons who shall knowingly have concurred in any false recital therein; And provided also, that the Council may, out of any moneys to be raised under this Act, pay a reasonable compensation to the persons employed in taking the votes of the Municipal Electors as aforesaid, and all expenses fairly incurred in carrying this Act into effect.

III. And be it enacted, That it shall not be lawful for the Municipal Council of either of the said Counties to adopt any of the proceedings hereinbefore mentioned unless there shall have been made within the then next preceding five years by the Assessors or other proper persons a valuation of the rateable immoveable property of the inhabitants of the Municipality, and such valuation shall be considered as the basis of any special rate or assessment to be levied in the Municipality under the provisions of this Act.

IV. And be it enacted, That so soon as a By-law shall have been passed by the Council of either of the said Municipalities as mentioned in the foregoing Sections, the Mayor or other person thereby authorized may, on behalf of such Municipality, subscribe for such number of the Shares in the Capital Stock of any such Company as may have been determined upon, and the funds which may be required to pay for the said Capital Stock may be borrowed on the credit of the Municipality either in this Province or elsewhere, and Bonds or Debentures of the Municipality payable to the bearer or to order, either in this Province or elsewhere, and in currency or sterling, signed by the Mayor or other person specially appointed for that purpose, countersigned by the Secretary-Treasurer, and sealed with the Seal of the Municipality, may be issued for the amount of the Shares of the said Capital Stock so to be subscribed for, bearing interest, and may be delivered to the Company or sold to realize funds for the payment of the said Stock; and the said Bonds or Debentures shall not be granted for less than One Hundred Pounds currency each, and may be in the form A, annexed to this Act, or in any form determined upon by the Council of the Municipality by which they are issued.

V. And be it enacted, That if hereafter at any time it shall happen that the moneys in the hands of the Secretary-Treasurer of either of the said Municipalities, and applicable to the payment of the interest or of the principal of the Debentures issued by such Municipality or any part of the same, shall be insufficient to pay any such interest or principal then due, it shall be the duty of the said Secretary-Treasurer to calculate what rate in the pound upon the assessed annual value of the property liable to assessment in the Municipality, will in his opinion, (after making fair allowances for expenses, losses and deficiencies in the collection of such rate,) be required to produce a sum sufficient with the moneys in his hands applicable to the purpose, to pay the sum due for such principal and interest or either, as the case may be, and to certify such rate under his hand to the Council for the information thereof, in the following form, or to the like effect:

“Gentlemen, — I hereby certify, for the information of the Council of the Municipality of the County of, \_\_\_\_\_ that a rate of \_\_\_\_\_ in the pound, on the assessed yearly value of the property liable to assessment in the said Municipality, is in my opinion (after making a fair allowance for losses and deficiencies in the collection of such rate,) required to produce a nett amount equal to that now due for interest, and principal if any be due, forming part of the loan contracted in virtue of the Act passed in the sixteenth year of Her Majesty’s Reign, chapter (as the case may be,) and intituled (Title of this Act.”)

And such certificate shall have the like effect as a By-law of the Council of such Municipality lawfully imposing the rate therein mentioned, and shall be obeyed and acted upon by all Officers

of the Municipality and by all others, and the rate therein mentioned shall be forthwith levied and paid accordingly, and in addition to any other rates lawfully imposed by any By-law of the Council thereof, notwithstanding any Act or provision of law to the contrary, limiting the amount of rates to be imposed in any one year, or as to the time of the year at which rates may be imposed, levied or collected; and the proceeds of such rate shall be applied, first, to the payment of the principal or interest, or both, as the case may be, for the payment whereof the rate was imposed, and if there be any surplus of the said proceeds, such surplus shall make part of the Sinking Fund for the extinction of the said loan, or if there be no part of the said loan for which a Sinking Fund is required under this Act, then such surplus shall be applied to the general purposes of the Municipality.

VI. And be it enacted, That a special rate and assessment shall, under the authority of every By-law lobe passed as aforesaid, be raised, levied and collected annually in the same manner as other rates and assessments which the said Municipalities are now by law authorized to raise, levy and collect, and with the same hypothec, mortgage and priority and recourse for securing and recovering such special rate and assessment; and the said special rate and. assessment shall be raised, levied and collected upon and from all rateable property in the Municipality in which such By-law shall be passed, and shall be in amount sufficient to pay the interest annually of the Bonds or Debentures issued by the Municipality under this Act, and at least two per cent, additional on the entire amount of the Capital of the said Bonds or Debentures in each year, after deduction of all charges and expenses, for the purpose of establishing a Sinking Fund to redeem the Capital of the said Bonds or Debentures, which additional two per cent, or upwards, as the case may be, together with all other moneys that may be specially appropriated for that purpose by the said Council of such Municipality, shall be invested in Provincial Government Debentures, or in the Stock of any Chartered Bank in this Province, or otherwise in any manner that the said Municipalities were by law authorized to invest moneys before the passing of this Act.

VII. And be it enacted, That if at any time any Sheriff or Bailiff shall receive a Writ of Execution, commanding him to levy any sum of money due by either of the said Municipalities for the principal or interest of any Bend or Debenture issued under the authority of this Act, the Plaintiff may require, and the Court whence such execution issues may order it to be levied by rate; and if such order be made, the Sheriff or Bailiff shall cause a copy of such Writ to be served upon the Secretary-Treasurer of such Municipality, and if the money therein mentioned, with all the lawful interest and costs which the said Sheriff or Bailiff is commanded to levy, be not paid within one month from the time of such service, the said Sheriff or Bailiff shall himself calculate what rate in die pound, upon the assessed value of all the rateable property lying or situate within the limits of the Municipality, will, in his opinion, after making fair allowance for the expenses, losses and deficiencies in the collection of such rate, be required to produce the debt, interest and costs which he is commanded to levy, and a sum of ten per centum in addition; and the said Sheriff or Bailiff may command the Council of the Municipality, and all officers whom it may concern, to cause the said rate to be levied and collected, and the proceeds to be paid over to him; and it shall be the duty of the Secretary-Treasurer, and the Assessors, Collectors and all other officers of the Municipality to produce to the said Sheriff or Bailiff, on his demand, all assessment books, papers and documents, having reference to the assessment of the property in the Municipality, and to

give him such information as he may require in order to fix the said rate; and all such officers of the Municipality shall be bound to obey the said Sheriff or Bailiff as well in respect of such information as in the levying and collection of said special rate, and for neglecting or refusing such obedience, shall be liable to imprisonment (*contrainte par corps*) to be decreed against them by the Court in which the judgment has been rendered and ought to be levied; and the said Sheriff or Bailiff shall, for the purpose of imposing, levying and collecting the said special rate, have all the powers of the said Municipal Council and of its officers, and may proceed to the sale of lands and immoveable property in the same manner, and take such other proceedings and recourses as they could do for the non-payment of any rate or assessment; and the said Sheriff or Bailiff shall pay to the Plaintiff his debt, interest and costs out of the amount levied, and if there be any surplus, it shall be paid back to the Secretary-Treasurer of the Municipality, but if there be a deficiency, a new levy may be made; and no rate so imposed, nor any levy or collection by such Sheriff or Bailiff, shall be liable to be opposed for inequality or injustice, but any party injured may petition the Council of Municipality for redress out of their other funds.

VIII. And be it enacted, That no such By-law of either of said Municipalities, as is mentioned in the first Section of this Act shall be repealed until the said debt and interest shall have been entirely paid, cancelled and discharged, and any proceedings for the repeal of any such By-law until the complete payment of such debt shall have been made, shall be absolutely null and void.

IX. Provided always, and be it enacted, That nothing in this. Act shall be construed to diminish or affect any of the rights or liabilities of either of the said Municipalities under the eighteenth section of the Railway Clauses Consolidation Act, or under the provisions of any Act or Law in force in Lower Canada in relation to the establishment of Municipal authorities therein.

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

#### Schedule A

Referred to in the Foregoing Act, Section III.

Municipality of the County of the Two Mountains (or Terrebonne, or Rouville, or Missisquoi, as the case may be.)

No. \_\_\_\_\_ £ \_\_\_\_\_ Cy. or Stg.

This Debenture witnesseth, that the Municipality of the County of the Two Mountains (or Terrebonne, or Rouville, or Missisquoi) under the authority of the Provincial Statute passed in and by the Provincial Parliament of Canada, in the sixteenth year of Her Majesty's Reign, intituled. An Act, &c., (title of this Act,) have received from (name) of (domicile, profession or occupation,) the sum of £ \_\_\_\_\_ (cy.) or (stg.) as a loan, to bear interest from the date hereof at the rate of \_\_\_\_\_ per centum per annum, payable half yearly on the \_\_\_\_\_ day of \_\_\_\_\_ and \_\_\_\_\_, at \_\_\_\_\_, which sum of £ \_\_\_\_\_ the said Municipality, as a Municipal Corporation, hereby binds and obliges itself to pay on the \_\_\_\_\_ day of

\_\_\_\_\_, at \_\_\_\_\_, to the said \_\_\_\_\_, or to the bearer hereof, and to pay the interest thereon half yearly, as aforesaid, according to the coupons or interest warrants hereto attached.

In testimony whereof I, \_\_\_\_\_, Mayor of the said Municipality, being hereunto duly authorized, have hereunto affixed the Common Seal of the Municipality, at \_\_\_\_\_, in the said County, on this \_\_\_\_\_ day of \_\_\_\_\_, in the year of Our Lord, cue thousand eight hundred and \_\_\_\_\_.

Signature of Mayor.

Countersigned by  
Secretary- Treasurer.

(Seal.)