

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

16 Victoria – Chapter 77

An Act to amend the Act of the present Session for the relief of the Sufferers by the late Fire at Montreal. Assented to 17th March, 1853.

Whereas by an Act made and passed in the sixteenth year of the Reign of Her Majesty, intituled, *An Act for the relief of Sufferers by the late Fire at Montreal, by facilitating the negotiation of Loans to enable them to rebuild the property destroyed by the said fire*, it is enacted, That it shall be lawful for the Corporation of the City of Montreal, if it should see fit, in the usual and ordinary manner in which it becomes a party, to and executes Deeds and Contracts, to become a party to any Obligation, Deed, *Acte* or Instrument in writing, under which any loan or loans might be made to any person or persons having suffered by reason of the disastrous conflagration which lately destroyed a large amount of property in the said City, and as such party to become surety (*caution*) for any such loan or loans, and for the purpose of such suretyship to bind itself as surety (*caution*) only, for the payment of the same, in whole or in part, in the event of the lenders being unable to enforce payment thereof from the parties borrowing the same, after due diligence and discussion of personal and real estate of the said parties; And whereas the said Corporation of the City of Montreal having entered into an agreement with the Trust and Loan Company of Upper Canada, for the sum of One Hundred Thousand Pounds currency of this Province, to be applied in Loans to the Sufferers by the said Fire, and the said Corporation of the City of Montreal having undertaken to provide applicants for the amount of the said sum, it is expedient and necessary to remove certain doubts as to the nature and extent of the suretyship and guarantee authorized to be afforded by the said recited Act, and in other respects to amend 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 reunite 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 in the event of any borrower under the provisions of the said recited Act making default in the payment of any sum of money owing by him under any Obligation, Deed, *Acte*, or Instrument in writing, to which the said Corporation of the City of Montreal is, or hereinafter may become a party as surety (*caution*), for the repayment of the loan thereby secured, and in the event of the said Trust and Loan Company of Upper Canada having taken the usual and ordinary legal means to obtain payment from the borrower, by instituting an action against the borrower in default, in the Superior Court for Lower Canada, within a period not exceeding in any case thirty days from the day appointed for the payment of such sum, and prosecuting such action, and in the event of the said Trust and Loan Company of Upper Canada not having obtained payment by such means from the borrower at the expiration of nine months from the date of such default, then and in that case the said Corporation of the City of Montreal shall thenceforth not be entitled to require the further discussion by the said Trust and Loan Company of Upper Canada of the personal or real estate of the borrower, and shall be bound as such surety (*caution*) forthwith to

pay, on demand by the said Trust and Loan Company of Upper Canada, the amount owing from such borrower in default for principal, interest and premiums of insurance on his property, with the costs and other expenses incurred by reason of such default, notwithstanding any thing in the said recited Act to the contrary; and that on the payment thereof the said Corporation of the City of Montreal shall be substituted to all the rights, privileges and authority, *noms, raisons, droits et actions*, of the said Trust and Loan Company of Upper Canada, and shall be authorized in the name of the said Trust and Loan Company of Upper Canada to take up the fait et cause of the said Trust and Loan Company of Upper Canada, and to continue and prosecute to final judgment and execution all Writs and Proceedings theretofore sued out and instituted by the said Trust and Loan Company of Upper Canada, for the recovery of the money owing by the said borrower, and then pending before any Court of original Jurisdiction, or Court of Appeals, in this Province, or elsewhere.

II. And be it enacted, That if the said Corporation of the City of Montreal should not be able to furnish a sufficient number of applicants, being sufferers by the said fire, for loans to absorb and take up the whole of the said sum of One Hundred Thousand Pounds, then and in that case it shall and may be lawful for the said Corporation of the City of Montreal to provide applicants for loans upon the balance of the said sum, who shall not have been sufferers by the said fire, but who have been and are sufferers by the conflagration which occurred in the said City of Montreal in the month of June, one thousand eight hundred and fifty-two; And in the event that the said Corporation of the City of Montreal should not be enabled to furnish a sufficient number of applicants, being sufferers by the said last mentioned fire of the month of June last, to absorb and take up the balance so remaining as hereinabove mentioned, then and in that case it shall and may be lawful for the said Corporation of the City of Montreal to take from the said Trust and Loan Company of Upper Canada, the remainder or residue of the. said sum of One Hundred Thousand Pounds, and to apply the said remainder and residue in such way as the said Corporation of the City of Montreal may deem fitting; And for securing the repayment of such; remainder or residue, it shall also be lawful for the said Corporation of the City of Montreal to issue its Bonds or Debentures, or to execute a Deed or Instrument which may be deemed necessary to afford to the said Trust and Loan Company of Upper Canada, the security contemplated by the Act hereinbefore recited; Provided always, that in the case of any loan to the sufferers by the fire of the said month of June, one thousand eight hundred and fifty-two, or in the case of the Corporation of the City of Montreal taking the remainder or residue of the said sum of One Hundred Thousand Pounds to be applied to such purposes as the said Corporation of the City of Montreal may deem fitting, the Guarantee of the Government of this Province shall apply to the same as fully and effectually as to the Loans effected under the provisions of the said recited Act.