

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbishire and George Desbarts, 1854.

18 Victoria – Chapter 13

An Act to extend and amend the Act to establish a Consolidated Municipal Loan Fund for Upper Canada, by applying the same to Lower Canada, and for other purposes. Assented to 18th December, 1854.

Whereas it is expedient to extend to Lower Canada the advantages of the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, and to limit the amount of Loans to be raised for Upper Canada and Lower Canada respectively; And whereas it is expedient to amend the said Act for the above and other purposes hereinafter mentioned: Be it¹ 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, as follows:

- I. The said first cited Act, and all and every the provisions thereof, shall extend and apply to, and be held and deemed to be in force in Lower Canada, except as hereinafter provided, and further, except that the fourth Section of the said Act which has reference to advances to the said Fund from the Upper Canada Building Fund, shall not apply to Lower Canada, or to that part of the Consolidated Municipal Loan Fund to which Lower Canada may be entitled under this Act.
- II. Notwithstanding any thing in the said first cited Act contained, there shall be a Consolidated Municipal Loan Fund for each section of the Province of Canada, which shall not at any time exceed the sum of One Million Five Hundred Thousand Pounds sterling, for either of the said sections, together with such further sum or sums of money as may constitute the Sinking Fund formed or to be formed under the authority of the said Act or of this Act; and the said Funds shall be called respectively the Lower Canada and the Upper Canada Municipal Loan Funds, and shall be managed by the Receiver General, under the direction of the Governor in Council, in the manner provided by the said Act, in separate accounts for each, and the books and accounts thereof shall be kept in his office; Provided always, that it shall not be lawful for any Municipality to pass any By-law for the purpose of raising a Loan under this Act, for an amount exceeding twenty per cent on the aggregate valuation of the property affected by such By-law, in the said Municipality, according to the then last assessment roll thereof.
- III. All Debentures to be issued by the Receiver General under the provisions of the said first cited Act or of this Act, shall be issued upon the credit of the said Consolidated Municipal Loan Fund of Lower Canada or Upper Canada, as the case may be; Provided always, that the Debentures heretofore issued upon the credit of the Consolidated Loan Fund for Upper Canada, under the

authority of the said Act above referred to, and of the Act amending the same, or either of them, shall be and continue to be valid and legal as if this Act had not been passed.

IV. The said Act first above cited, and this Act, and the provisions thereof, shall extend to authorize any incorporated City, Town or Village in this Province, to raise any sum of money on the credit of the said Funds, as the case may be, and to appropriate the same or such part thereof as may be found necessary, to defray or aid in defraying the expense of erecting, prosecuting and maintaining any Gas or Water Works within or for the use of such City, Town or Village, or its drainage, salubrity or more perfect sanitary condition, or for constructing or aiding in the construction of any plank or macadamized road for the benefit of such City, Town or Village, in the same manner and to the same effect, and under and subject to the provisions and observance of the formalities required by the said first above cited Act or this Act, for the raising or appropriation of any sum of money to any other of the purposes in the said Act or this Act mentioned.

V. All the provisions of the said Act first above cited, and of this Act, except as otherwise herein provided, shall extend and apply to any Loan authorized by any By-law of any Municipality in Lower Canada, passed before this Act shall come into force, under the provisions of any Act or Acts authorizing the same, or for the purpose of aiding in the construction of any Railway, for the making of which any Company is now incorporated, or shall be under any Act passed or to be passed, whether such assistance be given by taking stock in such Company, or by loaning money to it, and also to any loan authorized by any By-law of any Municipality, passed before this Act comes into force, authorizing the raising of any Loan for the purpose of erecting, repairing or improving any Municipality building or buildings: Provided always, that all Debentures which have been or can be issued under the authority of the By-laws mentioned in this section, 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, or any Debentures secured upon the said Fund, and deliverable by him under the provisions of the said first above cited Act; and upon payment by the Municipality of the whole amount 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 that the money to be raised on the Debentures to be issued and delivered by the Receiver General for and upon the said Debentures issued or to be issued under any such By-law, shall be paid or delivered by the Receiver General only on the joint order of the Municipality and of the holders of such Debentures: Provided always, that whenever information shall be given to the Receiver General by or on behalf of any Municipal Elector, affected by any By-law of any Municipality in Lower Canada, adopted before the passing of this Act, that the validity of such By-law or of any Debentures issued under the authority of the same, has been contested before any legal tribunal before the passing of this Act, it shall not be lawful for the Receiver General to pay on the said Debentures any money raised on the said Fund, until the validity of such By-law or Debentures shall have been established by such tribunal, or until the proceedings thereon have been waived or determined: And further provided, that this Act shall not be construed to give greater force, validity or effect to any By-law passed previously to this Act, and which has not been sanctioned by the Governor in Council, than are already possessed by such By-laws; but this proviso shall not apply to any such By-law after the Governor in Council shall have sanctioned the same: Provided further that nothing herein contained shall be held to apply to any loan created or authorized

under any former Act, when such Loan shall have been negotiated or the Debentures issued therefor sold to any party before the passing of this Act.

VI. No informality or irregularity in any By-law of any Municipality in Lower Canada, or in the proceedings relative thereto, anterior to the passing thereof, shall in any way affect its validity after the Governor in Council shall have approved, such By-law, which shall after such approval be valid to all intents and purposes, and proceedings may be had for enforcing the payment by the Municipality or subdivision thereof, on behalf of which the Council whereof, or the County Council on behalf of which, passed such By-law, and by the inhabitants thereof, under the provisions of the said first cited Act, as if the By-law had been passed after the requirements of the said first cited Act, and of this Act, or of any Act in force in Lower Canada, under the provisions whereof such Municipal Debentures shall have been or shall be issued, had been complied with: Provided that in all cases the Receiver General shall be furnished with a true copy of such By-law with sufficient affidavits certifying the same, and such other information as the Governor in Council may require, before any moneys shall be paid or Debentures be delivered by him as aforesaid.

VII. And whereas it is expedient to repeal a certain provision of the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to extend the provisions of the Act of the present Session, empowering certain Municipal Councils in Lower Canada to take shares in the Capital Stock of certain Railroad Companies*; Be it enacted, that so much of the said Act as provides that it shall not be necessary that any By-law passed under the second Section of the said Act, with the consent of the Councillors representing the Township or Townships, Parish or Parishes affected thereby, should be submitted to the approval of the qualified Municipal Electors therefor, or that it should be approved by a majority of such Electors, shall be and is hereby repealed, without prejudice to the validity of any Debentures issued or ordered to be issued, or of any act or proceeding done or remaining to be done in respect of such Debentures by virtue of the said provision: And Municipal Electors in the subdivisions so affected by any By-laws to be passed hereafter, shall be called to vote in approval or disapproval of such By-laws in the manner provided for as the whole Municipalities.

VIII. The word "Municipality" in the said first cited Act, and this Act, shall include all Corporations in Lower Canada, of Counties, Cities, incorporated Towns and Villages, Townships or Unions thereof, Parishes or Unions thereof, Unions of Parishes and Townships, whether there be Villages or not in such Unions; the word "Sheriff" in the said- first cited Act, and this Act, shall include all Sheriffs of Judicial Districts in Lower Canada.