

command you the said keeper to imprison the said M.
 for the space of from
 the date of his incarceration, unless the said sum of
 , and all the costs of imprisonment shall be
 sooner paid to you the said keeper ;

And for so doing, this shall be your sufficient warrant.

Given &c. (*as in preceding form.*)

C A P. X I I I .

An Act respecting the "Lower Canada Consolidated Municipal Loan Fund."

[Assented to 24th July, 1880.]

Preamble.

WHEREAS, by the act passed by the Legislature of the late Province of Canada, in the 16th year of Her Majesty's Reign, chapter 22, intituled : " An Act to establish a consolidated municipal loan fund for Upper Canada," a consolidated municipal loan fund was established for Upper Canada ; and, whereas, by the said act, it was enacted that certain corporations might borrow money upon the credit of the said fund for certain purposes ;

Whereas, by the act passed by the said Legislature of the late Province of Canada, in the 18th year of the Reign of Her Majesty, chapter 13, intituled : " 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," it was enacted that the said act, 16 Victoria, chapter 22, and each and every the provisions thereof, should extend and apply to, and should be deemed and considered to be in force in Lower Canada, with the exception of certain modifications contained in the said act, 18 Victoria, chapter 13 ;

Whereas the said acts have been consolidated and are contained in chapter 83 of the Consolidated Statutes of Canada, intituled : " An Act respecting the Consolidated Municipal Loan Fund ;"

Whereas, certain corporations of counties, cities, incorporated towns, townships, villages and others, have, in conformity with the provisions of the said acts, and the acts amending the same, borrowed certain sums of money, upon the credit of the said fund ;

Whereas, by the British North America Act, 1867, it was enacted : " that the division and adjustment of the debts, credits, liabilities, properties and assets of Upper Canada

and Lower Canada should be referred to the arbitrament of three arbitrators, one chosen by the government of Ontario, one by the government of Quebec and one by the government of Canada ; ”

Whereas, under the provisions of the said British North America Act, 1867, the Honorable John Hamilton Gray, of the city of St. John, was chosen as arbitrator, under and in conformity with the provisions of the said act, by the government of Canada, the Honorable David Lewis Macpherson, of the city of Toronto, was appointed arbitrator by the government of Ontario, and the Honorable Charles Dewey Day, of Glenbrooke, in the said province of Quebec, was appointed arbitrator by the government of Quebec, to make the aforesaid division ;

Whereas the said arbitrators undertook to make the said division ; and whereas the said John Hamilton Gray and David Lewis Macpherson, forming the majority of the said arbitrators, decided by their report or award, dated at Toronto the 3rd of September, 1870, that the debt arising from the Lower Canada municipal loan fund, due to the late province of Canada, to the amount in capital of \$2,939,429.90 and the interest accrued and to accrue upon such fund, should be and it was, by the said award, declared to be the property of the province of Quebec and to belong to the said province ;

Whereas it is necessary to provide for the collection of the amount of the said debt, arising from the said Lower Canada consolidated municipal loan fund, without prejudice to any recourse that the province of Quebec may have against the Government of the Dominion of Canada, or against the Government of the province of Ontario, respecting the division of the assets of the late province of Canada, the said arbitration and the said award of the above mentioned arbitrators ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. It shall be lawful for the Lieutenant Governor in council, under the great seal of the province, to appoint a Appointment of a Commissioner. commissioner to examine into the several amounts due to the said Lower Canada consolidated municipal loan fund, and to facilitate the collection thereof.

2. The appointment of such commissioner shall be His salary. during good pleasure, and his salary may be fixed by order in council, but shall not exceed three thousand dollars per annum, over and above travelling expenses.

3. It shall be the duty of the said commissioner, ap- Duties of the Commissioner. pointed as aforesaid, to inquire into the position of each

His powers.

municipality indebted to the said consolidated municipal loan fund, and into every thing respecting the debt due by each and every of such municipalities, and the said commissioner is empowered to summon witnesses and all parties interested, and to compel them to give evidence before him, under oath or otherwise, and to procure such documents, or other things deemed necessary for the inquiry to be held by him, which inquiry shall be held in the municipality indebted, and he shall make a report of his proceedings to the Lieutenant Governor in council, from time to time, as he may be required.

Duties of municipal councils indebted.

4. The said commissioner shall have the same power to compel witnesses to attend before him and to give evidence, as the courts of justice in this province in civil cases.

Debentures, and what they must contain.

5. Within the three months, next after the signification of the report of the commissioner as aforesaid, to the municipality, it shall be the duty of the municipal council of each municipality indebted to the said fund, to pass a resolution, authorizing the mayor or warden and the secretary-treasurer of the said council, to issue, make and execute, in the name of the corporation, bonds or debentures, for the amount due by the municipality to the said fund as established by the said commissioner ; which bonds or debentures shall mention :

That they are issued under this act ;

That the amount of the bond or debenture shall be payable in one or in several payments, in currency or in sterling, or in the currency of the country in which they are payable, at such place, within or without this province, and at such time to be fixed by the municipality, not exceeding forty years from the issuing of the debentures, provided that the annuity or sinking fund hereinafter mentioned, be sufficient to pay the capital and interest within the time fixed ;

The interest which shall be payable upon the sum mentioned in the said bonds or debentures, shall not exceed the rate of six per cent per annum ;

The said debentures may be made with a sinking fund, the investment of which from year to year in interest shall redeem the principal thereof at maturity, or they may be made upon the annuity system, whereby a portion of the principal shall be paid off, year by year, until the full payment of principal and interest is made ; and the said bonds or debentures shall be in the form prescribed by the Lieutenant Governor in Council, and they shall contain

such other conditions which the Lieutenant Governor shall, by order in Council, prescribe to be inserted therein ;

There shall also be entered upon the said bonds, that no interest shall be paid upon the sums due after maturity, if such bonds shall not be presented for payment at the place indicated.

6. Such debentures shall be signed by the mayor or warden and by the secretary-treasurer of the council, in virtue of a resolution of the council, authorizing the issue of such debentures, and it shall not be necessary to pass a by-law to authorize the issue and signature of the said debentures. By whom signed.

7. Such debentures shall be handed to the treasurer of the province of Quebec, in settlement of the claim of the province, against the municipality, for the said fund, and, when the amount of the said bonds or debentures shall be completely paid, the municipality indebted shall have a right to receive a discharge from the treasurer of the province for the sum due upon such loan. To whom given.

8. Every municipality indebted to the said fund may, with the approval of the Lieutenant Governor in Council, pass by-laws to effect a loan or levy money to pay the amount due to the said consolidated municipal loan fund, and the money thus borrowed shall be payable at such time and in such manner and with such interest, as the by-law shall prescribe, and it shall not be necessary to submit such by-law to the approval of the electors. Power of municipalities indebted to borrow.

9. The secretary-treasurer, or the secretary, the treasurer and collector or other officers of any municipality so indebted shall, with the view of providing for the payment of so much of the claim of the said municipal loan fund as may become due, in capital and interest, every year, upon each of such new debentures, fulfil the duties assigned to them by the acts respecting the consolidated municipal loan fund, except that instead of the amount authorized by section 94 of the said chapter 83 of the Consolidated Statutes of Canada, a sufficient sum shall be levied to pay the amount so becoming due. Duties of secretary-treasurers.

10. The following shall be the basis of settlement between the municipalities indebted to the municipal loan fund and the treasurer of the province, acting on behalf thereof, that is to say : The said treasurer shall calculate the interest, at the rate of five per cent per annum, for twelve years, upon the original amount, borrowed by each Basis of settlement of municipal loan.

municipality, which said interest shall be added to the capital sum borrowed. From the amount thus established shall be deducted the payments heretofore made on account of interest or sinking fund, if any, and if such amount, or the balance thus ascertained, is paid by any municipality indebted to the said municipal loan fund, within three months from the signification of the report of the Commissioner upon the Council of such municipality, either in cash or in debentures of the municipality, issued under this act, the said treasurer shall grant an acquittance or discharge for the balance, left standing at the debit of such municipality, in the books of the Treasury-Department; Provided, however, that in cases where no interest is due by any municipality, the balance standing at the credit of such municipality in the Treasury-Department books, upon sinking fund account, shall be deducted from the capital sum borrowed, and the balance, after such deduction, may be paid in the manner and within the time mentioned in this section.

Conditions
necessary to
avail of this
act.

11. No municipality, indebted to the said consolidated municipal loan fund, shall have a right to avail itself of the provisions of this act, until such council and the officers of such municipality shall have regularly executed and handed to the treasurer of the province the new debentures above-mentioned; but they shall, in case of refusal or neglect to hand over the said debentures, as aforesaid, be obliged to pay, without delay, the total amount by it due to the consolidated municipal loan fund; the amount due may, however, be recovered under this act and in conformity with its provisions, as it may please the Lieutenant Governor in Council to order.

If debentures
are not paid
over, amount
may be
recovered.

Case of loan by
several united
counties, &c.,
under certain
circumstances.

12. If a loan has been effected upon the credit of the consolidated municipal loan fund, by a union of two or more counties, then united for municipal purposes, but which have been separated, before such loan shall have been paid, or by a municipality which has been separated since the loan, but before the repayment of such loan, and the said counties and municipalities, at the time of such separation, have agreed between themselves, in the manner prescribed by law, with respect to the share of the responsibility of each or any of them respecting the said loan, then such agreement shall be the basis upon which the said commissioner shall act, in ascertaining the liability of each of the said counties or municipalities, and the amount which each shall pay, or which shall be levied upon each, respecting such loan, in case of non-payment of any sum which should be paid to the treasurer of the pro-

vince, upon the said loan ; and every county or municipality, or part of a municipality, which shall have paid its share of the liability so established, shall cease to be liable for the share due by any other county or municipality, or part of a municipality united with it, at the time such loan was effected.

13. If no agreement has been made between the municipalities as aforesaid, the share of liability of each portion of such municipalities shall be divided in proportion to their valuation, Apportionment in case no agreement exists between these counties, &c.

14. All debentures, executed in virtue of this act, and handed to the treasurer of this province, shall be considered valid, legal and binding upon the corporation, notwithstanding any defect in form or otherwise, which may be found in the said debentures or in the resolution authorizing their issue, and although such debentures may not be executed exactly in the form required by law, or notwithstanding any irregularity in the proceedings with reference thereto. Defect of form, &c., in debentures, &c., not to invalidate them.

15. The claims now in force and due to the Consolidated Municipal Loan fund by the said municipalities so indebted, shall not be considered as paid, discharged, extinct or otherwise affected by this act, or by the issue of the said new debentures, but they shall remain in force and be exigible, until new debentures be issued under this act and thereafter, as collateral security, for the payment of the new debentures, issued under this act, and for the sums payable in virtue of such debentures ; and the said claims, up to the amount of the said debentures, and the sums so guaranteed, shall continue to be and shall be a first charge, as heretofore, upon the whole of the revenues of the municipality for whatever purpose, or under whatever by-laws they may have been levied. Claims now due are exigible.

16. The treasurer of the province of Quebec, may, with the approval of the Lieutenant Governor in Council, sell the whole or any portion of the debentures so issued by any such municipality, for such price, which may be deemed suitable, and the sums arising from such debentures shall form part of the consolidated revenue fund of this province. Sale of debentures by the treasurer.

17. If the said debentures are not sold by the treasurer of the province as aforesaid, it shall be lawful for the said treasurer, at any time after the delay of one month after the maturity of any part of the sum due, in virtue of the Collection of amount due upon debentures not sold.

said debentures, either for interest, sinking fund or capital, to cause the amount due upon the said debentures to be collected in accordance with the provisions of the said act, chapter 83 of the Consolidated Statutes of Canada ; but instead of the amount authorized by section 94 of the said chapter 83 of the Consolidated Statutes of Canada, a sufficient sum to pay the amount thus becoming due in capital, interest and costs shall be levied.

Basis of apportionment of amounts to be levied.

18. All sums to be levied under this act, or under chapter 83 of the Consolidated Statutes of Canada, shall be apportioned by taking as a basis, the valuation roll in force in the municipality at the time when such sums are to be levied, notwithstanding any thing to the contrary in the said chapter 83 of the Consolidated Statutes of Canada.

Provisions of chap. 83 of C. S. C. not incompatible, applicable.

19. All the provisions of the said chapter 83 of the Consolidated Statutes of Canada, not inconsistent with any of the provisions of this act, shall remain in force, and shall apply to the debts now due by the municipalities, and to the new debentures which may be issued under this act.

Powers and duties of provincial treasurer.

20. For the purposes of this act, the powers and duties conferred upon the Receiver General, by the said chapter 83 of the Consolidated Statutes of Canada, shall be exercised and performed by the treasurer of the province, those conferred upon the Governor, shall be exercised and performed by the Lieutenant Governor of the province, and the Lieutenant Governor may, by order in council, make such provision as may be found necessary to carry this act into effect.

Interpretation : " Treasurer ;"

21. In this act, the word : " treasurer," includes also the secretary or secretary-treasurer or the custodian of the registers of the municipality or the municipal corporation, and the person entrusted with the custody of the funds of a municipality ;

" Mayor ;"

The word : " mayor," means equally the warden of any county ;

The official title of any officer includes any person by whom the duties of such officer may be performed ;

" Municipality ;"

The word : " municipality," includes all local municipalities created and in existence before the passing of this act, and all municipal corporations, in the province of Quebec, of counties, cities, towns, incorporated villages, townships, or unions of townships, parishes or unions of parishes, unions of parishes and townships, whether there are or are not villages in such unions, and all municipal corporations whatever, indebted to the said fund ;

And the word: "sheriff," includes all sheriffs in the judicial districts of the province of Quebec.

22. This act shall come into force on the day of its sanction.

CAP. XIV.

An Act respecting Lunatic Asylums subsidized by the Government of the Province of Quebec.

[Assented to 24th July, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

PRELIMINARY.

1. All lunatic asylums, subsidized by the legislature, shall be under the control of the government of the province of Quebec. Control of lunatic asylums.

2. The commission of the Beauport Lunatic Asylum, which was in existence prior to the 31st October, 1879, and was abolished by the act of this province, 42-43 Victoria, chapter 13, shall continue to be abolished, any act, order in council or agreement, to the contrary notwithstanding. Abolition of the Beauport Lunatic Asylum commission.

All documents, registers and papers, respecting the insane, already transmitted by the secretary of the said commission, to the Provincial Secretary, shall remain in the possession of the latter; and every other document which has not been transmitted, shall be sent to him within ten days from a notice to that effect.

No other commission shall be hereafter appointed for such asylum.

PART FIRST.

ADMISSION OF THE INSANE.

3. Insane persons only who have not themselves or through some relatives bound by law to support them, the means of paying, in whole or in part, the expense of their maintenance in a lunatic asylum, shall be admitted into, and confined in asylums subsidized by the province, at the expense of the government. Insane who may be admitted at expense of the province.

4. Idiots or imbecile persons shall not be admitted into, or confined in asylums, at the expense of the government. When idiots or imbeciles