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STATUTES

OF THE

PROVINCE OF CANADA

PASSED IN THE

TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

AND IN THE FIRST SESSION OF THE SIXTH PARLIAMENT
OF CANADA

Begun and holden at Toronto on the Twenty-Sixth of February, in the year
of Our Lord One Thousand Eight Hundred and Fifty Eight.



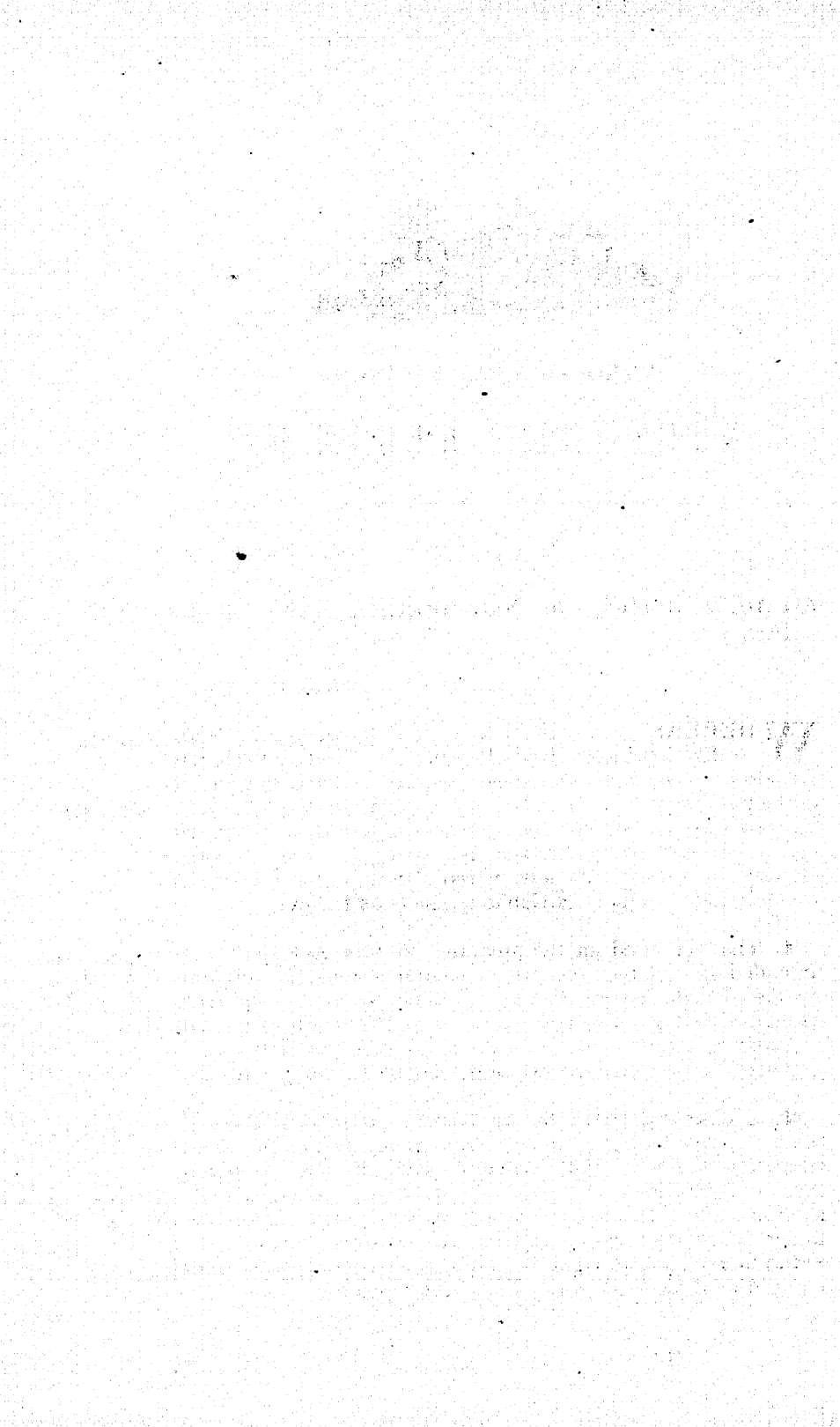
HIS EXCELLENCY

SIR EDMUND WALKER HEAD, BARONET,
GOVERNOR GENERAL.

TORONTO:

PRINTED BY STEWART DERBISHIRE AND GEORGE DESBARATS,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1858.





ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

C A P. I.

An Act to amend the Naturalization Laws of this Province.

[Assented to, 30th June, 1858.]

WHEREAS it is expedient further to amend the Naturalization Laws of this Province, and further to shorten the period of continued residence required by the Act passed in the twelfth year of Her Majesty's reign, intituled, *An Act to repeal a certain Act therein mentioned, and to make better provision for the Naturalization of Aliens*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.
12 V. c. 197.

1. The Act cited in the preamble to this Act shall be so amended as to reduce the term of continued residence required by the fourth section thereof to three years or upwards, instead of seven years or upwards; and the words of the oath required to be taken under section five of the said Act, or in any certificate or other proceeding, shall be varied accordingly. Required term of residence under sec. 4, reduced to three years.

2. The Act passed in the eighteenth year of Her Majesty's reign, chapter six, intituled, *An Act to amend the Naturalization Laws of this Province*, shall be and is hereby repealed; Provided always, that the repeal of the said Act shall not affect the naturalization of any person naturalized under it, or any right of any person acquired under and in virtue thereof, but all rights so acquired shall be possessed and enjoyed as if the said Act had not been repealed. 18 V. c. 6, repealed.
Proviso: saving rights acquired.

C A P . I I .

An Act to make better provision for the punishment of frauds committed by Trustees, Bankers and other persons intrusted with property.

[Assented to 30th June, 1858.]

Preamble.

WHEREAS it is expedient to make better provision for the punishment of frauds committed by trustees, bankers, and other persons intrusted with property: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Trustees fraudulently disposing of property, guilty of a misdemeanor.

1. If any person being a trustee of any property for the benefit, either wholly or partially, of some other person, or for any public or charitable purpose, shall, with intent to defraud, convert or appropriate the same, or any part thereof, to or for his own use or purposes, or shall, with intent as aforesaid, otherwise dispose of or destroy such property or any part thereof, he shall be guilty of a misdemeanor.

Bankers, &c., fraudulently selling, &c., property intrusted to their care, guilty of misdemeanor.

2. If any person, being a banker, merchant, broker, attorney or agent, and being intrusted for safe custody with the property of any other person, shall, with intent to defraud, sell, negotiate, transfer, pledge, or in any manner convert or appropriate to or for his own use such property, or any part thereof, he shall be guilty of a misdemeanor.

Persons holding powers of Attorney fraudulently selling property, guilty of a misdemeanor.

3. If any person intrusted with any power of attorney for the sale or transfer of any property, shall fraudulently sell or transfer, or otherwise convert such property or any part thereof to his own use or benefit, he shall be guilty of a misdemeanor.

Bailees fraudulently converting property to their own use, guilty of larceny.

4. If any person, being a bailee of any property, shall fraudulently take or convert the same to his own use, or the use of any person other than the owner thereof, although he shall not break bulk, or otherwise determine the bailment, he shall be guilty of larceny.

Directors, &c., of any body corporate or public Company, fraudulently appropriating property,—

5. If any person, being a director, member, or public officer of any body corporate or public company, shall fraudulently take or apply, for his own use, any of the money or other property of such body corporate or public company, he shall be guilty of a misdemeanor.

Or keeping fraudulent accounts,—

6. If any person, being a director, public officer, or manager of any body corporate or public company, shall as such receive or possess himself of any of the money or other property of such body corporate or public company, otherwise than in payment of a just debt or demand, and shall, with intent

intent to defraud, omit to make or to cause or direct to be made, a full and true entry thereof, in the books and accounts of such body corporate or public company, he shall be guilty of a misdemeanor.

7. If any director, manager, public officer, or member of any body corporate or public company shall, with the intent to defraud, destroy, alter, mutilate or falsify, any of the books, papers, writings or securities belonging to the body corporate or public company, of which he is a director or manager, public officer or member, or make, or concur in the making of any false entry, or any material omission in any book of account or other document, he shall be guilty of a misdemeanor.

Or wilfully destroying books, &c ;—

8. If any director, manager, or public officer of any body corporate or public company shall make, circulate or publish, or concur in making, circulating or publishing, any written statement or account which he shall know to be false in any material particular, with intent to deceive or defraud any member, shareholder, or creditor of such body corporate or public company, or with intent to induce any person to become a shareholder or partner therein, or to intrust or advance any money or property to such body corporate or public company, or to enter into any security for the benefit thereof, he shall be guilty of a misdemeanor.

Or publishing fraudulent statements,—

Guilty of misdemeanor.

9. If any person shall receive any chattel, money, or valuable security, which shall have been so fraudulently disposed of as to render the party disposing thereof guilty of a misdemeanor under any of the provisions of this Act, knowing the same to have been so fraudulently disposed of, he shall be guilty of a misdemeanor, and may be indicted and convicted thereof, whether the party guilty of the principal misdemeanor shall or shall not have been previously convicted, or shall or shall not be amenable to justice.

Persons receiving property fraudulently disposed of knowing it to have been so, guilty of a misdemeanor.

10. Every person found guilty of a misdemeanor under this Act, shall be liable, at the discretion of the Court, to be imprisoned in the Provincial Penitentiary for any term not exceeding three years nor less than two years, or to suffer such other punishment, by imprisonment for any term less than two years and with or without hard labour, or by fine, as the Court shall award.

Punishment for a misdemeanor under this Act.

11. Nothing in this Act contained shall enable or entitle any person to refuse to make a full and complete discovery by answer to any Bill in Equity, or to answer any question or interrogatory in any civil proceeding in any Court of Law or Equity, or in any Court of Bankruptcy or Insolvency, now in existence or hereafter to be established in this Province; but no answer to any such bill, question or interrogatory shall be admissible

No person exempt from answering questions in any Court, but his answer not admissible as evidence in

prosecutions under this Act.

admissible in evidence against such person in any proceeding under this Act.

No remedy at law or in equity to be affected by this Act.

12. Nothing in this Act contained, nor any proceeding, conviction or judgment to be had or taken thereon against any person under this Act, shall prevent, lessen or impeach any remedy at law or in equity which any party aggrieved by any offence against this Act might have had, if this Act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in Equity against him; and nothing in this Act contained shall affect or prejudice any agreement entered into or security given by any trustee, having for its object the restoration or repayment of any trust property misappropriated.

Convictions not to be received in evidence in civil suits.

Sanction of Attorney General requisite to certain prosecutions;

13. No proceeding or prosecution for any offence included in the first section, but not included in any other section of this Act, shall be commenced without the sanction of Her Majesty's Attorney General, for Upper or for Lower Canada, as the case may be, or in case that office be vacant, of Her Majesty's Solicitor General for Upper or for Lower Canada, as the case may be; Provided that when any civil proceeding shall have been taken against any person to whom the provisions of the said first section, but not of any other section of this Act, may apply, no person who shall have taken such civil proceeding shall commence any prosecution under this Act without the sanction of the Court or Judge before whom such civil proceeding shall have been had, or shall be pending.

Or the sanction of a Judge in certain cases.

If offence amounts to larceny, offender not to be acquitted of misdemeanor.

14. If upon the trial of any person under this Act it shall appear that the offence proved amounts to larceny, he shall not by reason thereof be entitled to be acquitted of a misdemeanor under this Act.

Misdemeanors not triable at sessions.

15. No misdemeanor against this Act shall be prosecuted or tried at any Court of General or Quarter Sessions of the Peace.

Interpretation of certain terms;

Trustee.

16. The word "Trustee" shall in this Act mean a Trustee on some express trust created by some deed, will, commission, letters patent, appointment to office, or instrument in writing, and shall also include the heir and personal representative of such Trustee, and also all executors and administrators, and all assignees in Bankruptcy and Insolvency, under any Act of this Province now or hereafter to be in force; and in Lower Canada, the word "Trustee" shall also include any person who is, by the law of that Section of the Province, an "*Administrateur*," and the word "Trust" whatever is by such law an "*Administration*."

Court of Law.

The expression "Court of Law" shall include any Court having civil jurisdiction in Lower Canada.

The

The word "Property" shall include every description of real and personal property, goods, raw or other materials, money, debts and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods; and such word "Property," shall also denote and include not only such real or personal property as may have been the original subject of a trust, but also any real or personal property into which the same may have been converted or exchanged, and the proceeds thereof respectively, and any thing acquired by such proceeds.

C A P : I I I .

An Act to amend the law relating to Emigrants.

[Assented to 30th June, 1858.]

WHEREAS it is expedient to amend the law relating to Emigrants: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. So much of the Act passed in the sixteenth year of Her Majesty's reign, intituled, *An Act to amend and consolidate the laws relative to Emigrants and Quarantine*, as provides for a less rate or duty for Passengers or Emigrants between the ages of one and fourteen years than for adult Passengers or Emigrants shall be, and the same is hereby, repealed; and from henceforth a uniform rate or duty of five shillings currency shall be raised, levied, collected and paid, as provided for by the said Act, for every Passenger or Emigrant over the age of one year who shall have embarked with sanction, as therein mentioned; and all the provisions of the said Act, in any way relating to the rate or duty of five shillings currency for every adult Passenger or Emigrant, and three shillings and nine pence for every Passenger or Emigrant between the ages of one and fourteen years, who shall have embarked with such sanction, shall hereafter apply to the said uniform rate or duty of five shillings currency, for every Passenger or Emigrant over the age of one year who shall have embarked with such sanction.

Preamble.
Act 16 V. c. 86 amended, and uniform duty of 5s. imposed on certain Emigrants.

2. And for the purpose of securing to Foreign Emigrants coming to this Province the observance towards them during the voyage of the laws of the Country from which they are conveyed hither, if during the voyage of any Ship carrying Passengers or Emigrants from any Port not within the United Kingdom to either of the Ports of Quebec or Montreal, the Master, or any of the crew of such Ship, shall be guilty of any infraction of the laws in force in the Country in which such Port is situated, regarding the duties of such Master or crew toward

Penalty on Master or Seaman of vessel for non-observance towards emigrants of laws of their country, or the conditions of contract for their passage.

towards the Passengers in such Ship, or if any Master of any such ship shall during such voyage commit any breach whatever of the contract for the passage which may have been made with any Passenger or Emigrant by such Master, or by the Owner or Charterer of such ship, or any person acting on his behalf, such Master or such one of the crew shall for any such offence be liable to a penalty of not less than twenty dollars, nor more than one hundred dollars, independently of any remedy which the party complaining may otherwise have by law.

Proof of law of foreign country, how to be made.

3. Proof under this Act of the law of a Foreign Country may be made by the testimony of any Consul for the Country from which the ship may have sailed; and the proof of the contract for his passage made by any such Emigrant in any such ship, sailing from any European Port not within the United Kingdom, may be made in all cases by the evidence of the parties to such contract.

Bond required by sect. 12 of 16 V. c. 86, may be dispensed with in certain cases.

4. It shall be lawful for the Collector of Customs at the Port of Quebec, or at the Port of Montreal, as the case may be, to dispense with the Bond, or money in lieu thereof, by the twelfth section of the said Act required, if it shall appear by the certificate of the Medical Superintendent at the Quarantine Establishment (which certificate the said Medical Superintendent is hereby authorized to give) that the passenger with respect to whom such bond or money is required, has become lunatic, idiotic, deaf and dumb, blind or infirm, from some cause not existing or discernible at the time of the departure of the ship from the port where such Passenger embarked.

Provisions for reconveyance to place of embarkation of certain Emigrant passengers likely to become chargeable, after bond given, &c., under 12th sect. of 16 V. c. 86.

5. It shall be lawful for the Chief Agent for Emigration at Quebec (with the sanction of the Governor in Council,) to make arrangements with the Master, Owner or Charterer of the vessel carrying the lunatic, idiotic, deaf and dumb, blind or infirm person with respect to whom, in accordance with the provisions of the said Act, a Bond has been given, or money paid in lieu thereof, or with the Master, Owner or Charterer of any other vessel, for the reconveyance of such person to the port from which he was carried to this Province; and money paid in lieu of or on breach of the condition of a Bond in any such case, or so much thereof as shall be necessary, may be applied to pay for the reconveyance as aforesaid of the person with respect to whom it has been paid, and when such person shall have been so reconveyed, the Bond so given may be cancelled, or the money paid in lieu thereof (deducting the passage money if any) may be returned, on the receipt by the said Chief Agent for Emigration at Quebec, of a certificate of the safe arrival of the lunatic, idiotic, deaf and dumb, blind or infirm person at the port from which he was brought as aforesaid, under the hand of the Chief Emigration Officer or British Consul there, or on proof satisfactory to such Chief Agent for Emigration

Emigration of his having died during the voyage without any fault attaching to the Owner, Master or any of the Crew of such vessel.

6. No person shall, within the Ports of Quebec or Montreal, or within five miles from the outer boundaries thereof, for hire, reward, or gain, or the expectation thereof, conduct, solicit, influence or recommend any Emigrant to or on behalf of any Steamboat Owner or Charterer; or to or on behalf of any Railway Company, or to or on behalf of any Lodging-House or Tavern-Keeper for any purpose connected with the preparations or arrangements of such Emigrant for his passage to his final place of destination in this Province, or in the United States of America, or the Territories thereof, or give or pretend to give to such Emigrant any information or assistance in any way relating to such passage to his said place of destination, or in any way exercise the vocation of booking passengers or taking money for their inland fare or for the transportation of their luggage, unless such person shall have first obtained a license from the Mayor of the City or Municipality in this Province, within which such person may reside, authorizing him to act in such capacity, and which license such Mayor is hereby authorized to grant on such person producing a recommendation from Her Majesty's Chief Agent for Emigration, or from the Government Emigration Agent at the place where the license may be granted, to the effect that he is a proper person to receive such license, and giving a satisfactory bond to such Mayor, with two sufficient sureties, in the penal sum of three hundred dollars, as security for his good behaviour; which said license shall not be for any period longer than one year from its date; and such person shall pay for such license to the Corporation of such City or Municipality such sum, not exceeding one hundred dollars, as the Mayor and Council shall determine.

No person to act as agent for any Steamboat or Railway Company or Tavern-keeper in booking Emigrant passengers, without a license.

How only such license may be obtained.

7. Every keeper of a Tavern, Hotel or Boarding-House in a City, or in any Town, Village or place to which the Governor in Council shall by Proclamation published in the *Official Gazette*, declare that this section shall extend, who shall receive into his house, as a Boarder or Lodger, any Emigrant within three months from his arrival in this Province, shall cause to be kept conspicuously posted in the public rooms and passages of his house and printed upon business cards, a list of the rates of prices which will be charged Emigrants per day and week for board or lodging, or both, and also the rates for separate meals, which card shall contain the name of the keeper of such house, together with the name of the Street in which it is situated and its number in such Street; And every keeper of any such Tavern, Hotel or Boarding-House, who shall neglect or refuse to post a list of rates, or to keep business cards, or who shall charge or receive or permit or suffer to be charged or received for boarding or lodging, or for meals in his house, any sum in excess

Keepers of Taverns, Hotels, &c., receiving Emigrants, to post therein, lists of rates of charges, on printed cards.

Penalty for default.

Proviso: lien of Hotel keepers, &c., on effects of Emigrants limited.

Penalty.

Prosecutions for penalties.

Proviso: Magistrate may award costs.—Or imprisonment in certain cases.

Commencement of Act.

excess of the rates of prices so posted and printed on such business cards, or shall omit immediately on any Emigrant entering such house as a boarder or lodger for the purpose of taking any meal therein, to deliver to such Emigrant one of such printed business cards, shall, upon conviction of any of the said offences, be deprived of his license, and incur a penalty of not less than five dollars, nor more than twenty dollars: Provided always, that no such Boarding-House Keeper, Hotel Keeper, or Tavern Keeper shall have any lien on the effects of such Emigrant for any amount claimed for such board or lodging, for any sum exceeding five dollars; and any such person who shall detain the effects of any Emigrant after he shall have been tendered the said sum of five dollars, or such less sum as shall be actually due for board or lodging, shall on conviction thereof, incur a penalty of not less than five dollars, nor more than twenty dollars, over and above the value of the effects so detained, if not immediately restored, and a search warrant may be issued for the same.

8. All prosecutions for penalties under this Act may be brought at the place where the offender may then be, before any Magistrate having jurisdiction in such place, at the suit of any Agent for Emigration in the employ, in this Province, of Her Majesty, and the penalties to be recovered under this Act shall be paid to the Emigration Fund; Provided that the Magistrate before whom the same is recovered shall have the power, in his discretion, of awarding any part of the penalty to the party aggrieved by the infraction of law or breach of contract complained of, and such Magistrate may award costs against the offending parties, as in the ordinary cases of summary proceedings, and such Magistrate is also empowered to award imprisonment for a period not exceeding three months to terminate on payment of any penalty incurred under this Act.

9. This Act shall take effect on the first day of January next, and not before.

C A P . I V .

An Act further to amend the Railway Clauses Consolidation Act.

[Assented to 30th June, 1858.]

Preamble.

WHEREAS it is expedient further to amend the Railway Clauses Consolidation Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sect. 16 of Act 14, 15 v. c. 51, amended: as to Contractors.

1. The sixteenth section of the said Railway Clauses Consolidation Act shall be, and the same is hereby amended by adding to the words "Eighthly. No person holding any office, place or emolument in, or being concerned or interested in any contracts under

under or with the Company, shall be capable of being chosen a Director, or holding the office of Director," in the said section the words, "nor shall any person being a Director of the Company enter into, or be directly or indirectly, for his own use and benefit, interested in any contract not relating to the purchase of land necessary for the Railway with the Company, or be or become a partner of any contractor with the Company; and no contracts for works of construction or maintenance of Railways, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively shall have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to the work required to be done; but no Company shall be compelled to accept of any such tender; and in the event of any such contract made after the passing of this Act by or on behalf of any Director, an action shall lie in any Court of Common Law, or other Court of competent jurisdiction against such Director, at the suit of any Shareholder or Stockholder of the Company, for the benefit of the funds thereof, for the whole amount of profit accruing to such Director from the Contract so made or fulfilled."

New provision added to paragraph 8 of the said section.

2. Any Railway Company desiring at any time to change the location of its line of Railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefitting such line of Railway, or for any other purpose of public advantage, is hereby empowered to make such change; and all and every the clauses of the said Act shall refer as fully to the part of any such line of Railway so at any time changed or proposed to be changed as to the original line.

Changes may be made in the line of a Railway at any time for certain purposes.

"Provided that no Railway Company shall have any right to extend its line of Railway beyond the termini mentioned in the Act incorporating such Company."

"No Railway Company shall avail itself of any of the powers contained in the fifteenth sub-section of the ninth section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, chapter fifty-one, without application to the Board of Railway Commissioners, constituted by the seventeenth section of the Act, intituled, 'An Act to make provision for the construction of a Main Trunk Line of Railway throughout the whole length of this Province,' of which application notice in writing shall be given to any other Railway affected, by sending same by mail, or otherwise, to the address of the President, Superintendent, Managing Director or Secretary of any such Railway Company, for approval, of the mode of crossing, union or intersection proposed: and when such approval shall have been obtained, it shall be lawful for either Railway, in case of disagreement as to the amount to be paid for compensation, to proceed for such compensation as provided in the said sub-section."

"It

“ It shall be lawful for the Directors of any Railway Company at any time, and from time to time, to make and enter into any agreement or arrangement with any other Company, either in this Province or elsewhere, for the regulation and interchange of Traffic passing to and from the Railways of the said Companies, and for the working of the Traffic over the said Railways respectively, or for either of those objects separately, and for the division and apportionment of tolls, rates and charges in respect of such Traffic, and generally in relation to the management and working of the Railways, or any of them, or any part thereof, and of any Railway or Railways in connection therewith, for any term not exceeding twenty-one years, and to provide, either by proxy or otherwise, for the appointment of a Joint Committee or Committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two thirds of the Stockholders voting in person or by proxy.”

Act to apply to all Railways.

The provisions of this Act shall, from the passing thereof, apply to every Railway made or to be made in this Province, but shall not apply to any thing done heretofore.

C A P. V .

An Act further to amend the Judicature Acts of Lower Canada.

[Assented to 30th June, 1858.]

Preamble.

WHEREAS it is desirable further to amend the Laws in force in Lower Canada, relative to the Administration of Justice: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Procedure--Enquête and Hearing.

Inscription for *enquête* and hearing at the same time.

Days for *enquêtes*, &c.

Proviso: such inscription obligatory in certain cases

1. Whenever any party to a case then pending in the Superior Court is desirous that such case be heard on the merits as soon as the evidence is closed, such party may at the same time inscribe the case for the adduction of evidence and for final hearing on the merits, and it shall accordingly be so heard, as soon as the witnesses present have been heard and notes of their evidence taken, unless the Court deems it conducive to justice to adjourn the case in consequence of the absence of a material witness or other evidence: And the inscription of any such case may be made for any named day during term, or for such days in term, or for such *enquête* days, as hereinafter provided. Provided always, that if either party shall in his declaration, plea, answer or reply in any such case, notify his option that such case be inscribed (at the proper time)

time) for the adduction of evidence and final hearing on the merits at the same time, or if either party shall, before the inscription of such cause for the adduction of evidence, have notified to the other his option that such cause be inscribed for the adduction of evidence and final hearing on the merits at the same time, then, in either case such cause shall be necessarily so inscribed, and it shall not be in the power of either party to inscribe it otherwise.

2. A majority of the Judges of the Superior Court residing in the District of Quebec or in that of Montreal,—or any Judge of the said Court when in any other District,—may, by any Rule of Practice to be by them or him from time to time made, and promulgated by any Judge sitting in term in the same District, appoint special days in term for the adduction of evidence and final hearing on the merits at the same time, in cases before the Court in such District;—And any such Rule may be repealed or altered by any subsequent Rule made and promulgated in like manner:

Rules of practice may be made appointing days for *enquête* and hearing at same time.

And whenever such special days in term are so appointed in any District, no case shall be there inscribed for the adduction of evidence and final hearing on the merits at the same time, on any other day in term: and cases so inscribed shall on such days have precedence over other cases or business before the Court inscribed or fixed for such days, except only cases taken *en délibéré* and in which judgment is to be rendered.

Effect of such rules.

3. A majority of the Judges of the Superior Court residing in the District of Quebec or in that of Montreal, or any Judge of the said Court when in any other District,—may, by any Rule of Practice to be by them or him from time to time made and promulgated by any one Judge sitting in term in the same District, appoint special days among those then appointed as *enquête* days, to be the days for which cases may be inscribed for the adduction of evidence and final hearing on the merits at the same time,—and any such Rule may be repealed or altered by any subsequent Rule made and promulgated in like manner:—And whenever such special days among the *enquête* days are so appointed in any District, cases may be inscribed for the adduction of evidence and final hearing on the merits at the same time, on such days, as if they were special days in term appointed for such purpose under the next preceding section, and the Judge presiding may adjudicate upon such cases and exercise all judiciary powers with respect to them, as if sitting in term;—And any case inscribed for any such special day as aforesaid, if not terminated or adjudicated upon on such day, may be adjourned to any of the subsequent days so appointed as aforesaid from among the *enquête* days, or to any day in term, or to any day in term appointed for the adduction of evidence and final hearing of cases at the same time.

Special days may be appointed for the said purpose from among the *enquête* days.

Cases not finished may be adjourned.

When judgment may be rendered in cases so inscribed.

4. If any case inscribed for the adduction of evidence and final hearing on the merits at the same time, on any of the days appointed as aforesaid from among the *enquête* days, is taken *en délibéré*, judgment may be rendered therein on any other of such days, or on any day in term :—And if any case inscribed for the adduction of evidence and final hearing on the merits on any of the special days in term appointed for that purpose by any Rule of Practice, is taken *en délibéré*, judgment may be rendered therein on any day in term, or on any of the special days appointed from among the *enquête* days, for the adduction of evidence and final hearing of cases at the same time.

Cases so inscribed to have precedence on certain days.

5. Any case inscribed for the adduction of evidence and final hearing on the merits at the same time, on any of the special days appointed as aforesaid from among the *enquête* days, shall have precedence over any case inscribed or fixed for *enquête* only on such day, but not over any case taken *en délibéré* and in which judgment is then to be rendered.

By consent, *enquête* may be taken as before the Act of 1857.

6. With the consent in writing of all the parties to any case in the Superior Court, the *enquête* and evidence therein may be taken in the manner in use before the coming into force of the Lower Canada Judicature Act of 1857, notwithstanding any thing to the contrary in that Act, subject to such additional costs and fees as may from time to time be fixed by any tariff; But in all cases in the said Court in which such consent in writing is not given, the *enquête* shall be taken in the manner prescribed by the said Act.

Proviso: as to additional costs.

Certain powers of Judges at *enquêtes*.

7. Any Judge of the said Court presiding at *enquête* in term or out of term, either in the said Court or in the Circuit Court, shall have the same power to fine witnesses for non-attendance and to commit for contempt, as when sitting in term.

Articulation of facts may be dispensed with in certain cases.

8. With the consent in writing of all the parties to any case in the Superior or Circuit Court, the statement (*articulation*) of facts required by the seventy-fourth section of the Lower Canada Judicature Act of 1857, may be dispensed with in such case, and neither the said section nor any other provision of the said Act respecting or depending on such statement of facts shall, after such consent, apply to such case, which may accordingly be inscribed for the adduction of evidence and final hearing on the merits, or proceedings may be had for bringing the same to trial if it is to be tried by a jury, at any time after issue joined: This section shall not apply to non-appealable cases in the Circuit Court, no statement of facts being required to be filed in such cases.

Not to apply to non-appealable cases.

Taxation of any witness to stand as a judgment in his favour.

9. The taxation of any witness in the Superior or in the Circuit Court, shall stand as a judgment in his favour for the amount of such taxation, against the party on whose behalf he was summoned; And if such sum be not paid, execution may issue

issue accordingly at the expiration of the delay allowed for the issue of execution on judgments in the same Court, such delay being reckoned from the date of the taxation.

10. Whenever in any case in the Superior Court or Circuit Court, the subject matter of litigation, or any material question incident thereto, is such that it ought to be referred to and investigated by *experts*, the Court or the Judge presiding at the *enquête* may, upon the motion of any of the parties, order an *expertise* according to law, before the adduction of evidence; And the Court or the Judge presiding at the *enquête* in any case in either of the said Courts, may order an *expertise ex officio*, either before any evidence is adduced or at any time during the *enquête*, if in his opinion the subject matter of litigation or any material question incident thereto, is one which according to law ought to be referred to and investigated by *experts*.

Expertise may be ordered by consent,—or ex officio in certain cases.

Judgments in Vacation, in certain cases.

11. If any plaintiff desires to obtain judgment in vacation in any case in the Superior Court, or in any appealable case in the Circuit Court or any non-appealable case therein returnable in vacation, in which the defendant shall have made default or in which for any other reason the plaintiff shall be entitled to proceed *ex parte*, then provided the demand in such case be founded,—

In default or ex parte cases, judgment may be obtained in vacation.

1st.—On any *Acte Authentique*, or—

If the action be founded on certain grounds.

2dly.—On any bill of exchange or promissory note, *cédule*, check, note or promise, or other act or private agreement in writing enumerated in section eighty-seven of the Lower Canada Judicature Act of 1857, or—

Notes, &c.

3rdly.—On any account stated in detail between trader and trader, or between trader and non-trader, or between non-traders for goods sold and delivered, or for any article or thing sold and delivered, or for money lent, or—

Accounts.

4thly.—On any verbal and specific agreement, by which any party shall have promised to pay a sum of money certain,—

Agreements.

Such plaintiff may forthwith inscribe the case for judgment in vacation,—and the Prothonotary, if it be a case in the Superior Court, or the Clerk, if it be a case in the Circuit Court, shall thereupon draw up a judgment accordingly for the amount claimed by the plaintiff, and appearing to be due by any such *acte authentique*, bill of exchange or promissory note, *cédule*, check, note or promise, or other Act or private agreement in writing, account or agreement as aforesaid whereon the demand is founded,—which judgment shall be held to be the judgment of the Court and shall be recorded and executed

Inscription; and rendering of judgment.

executed accordingly, subject to the provisions hereinafter made :

Affidavit re-
quired and to
what effect,
and by whom.

But no plaintiff in any such case, either in the Superior or in the Circuit Court, founded upon an account stated or upon a verbal agreement, shall be entitled to inscribe the same for judgment as aforesaid, unless such plaintiff do at the time of so inscribing the case, file an affidavit in the form of the Schedule A or B (as the case may be) to this Act, wherein such plaintiff or one of the Plaintiffs (if there be more than one,) or some other credible person cognizant of the fact, (whether competent or not as a witness in the case,) shall swear that the amount demanded is due by the defendant to the plaintiff;—the affidavit of one person that the whole amount is due to his knowledge shall be sufficient, but several affidavits of several persons, each of whom shall swear that a certain part of such amount is due to his knowledge, shall also be sufficient, provided the total amount of the sums so sworn to be equal to that for which judgment is prayed :---

May be made
by more than
one person in
certain cases.

Before whom
to be made.

Any affidavit under this section may be made before a Judge of the Superior Court, or before the Prothonotary or Clerk of the Superior or Circuit Court at the place where the case is pending, or before any Commissioner for receiving affidavits to be used in the Superior or Circuit Court.

Judgment to
be served on
defendant.

12. Every judgment recorded under the next preceding section shall be served upon the defendant personally or at his domicile, by a Bailiff of the Superior Court, and the Bailiff's return of such service shall be filed and remain of record as part of the proceedings in the case;—and the Prothonotary or Clerk of the Court shall enter and register as part of the said proceedings, the date at which such return shall be filed.

Opposition
may be filed
to any such
judgment;

13. The defendant in any such case may contest the judgment (*se pourvoir contre le jugement*) recorded as aforesaid, by opposition or *simple requête afin d'opposition*, to be filed in the office of the Prothonotary or Clerk of the Court in which the judgment was rendered, within the periods hereinafter limited respectively, that is to say :

And within
what delay.

If the place where such service is made be not more than five leagues from that where the judgment was rendered, then—

Within ten days after the service of the judgment, if the case be in the Superior Court, and—

Within five days after the service of the judgment, if the case be in the Circuit Court,—

And if the place where the service is made be more than five leagues from that where the judgment was rendered, then an additional

additional delay of one day shall be allowed in either Court, for each additional five leagues.

Such opposition or *simple requête afin d'opposition* shall, on pain of nullity, contain all the grounds (*moyens*) of opposition intended to be urged in support thereof, or against the judgment, or the action in which it was rendered, and an election of domicile by the opposant within one mile of the place where the sittings of the Court are held;—and all the exhibits intended to be used in support of such opposition, shall be filed with it.

What the opposition must state.

Exhibits to be filed with it.

Any fact alleged by the Plaintiff and not expressly and specially denied by the opposant, shall be deemed to be confessed and acknowledged by him; and the Plaintiff shall be bound to prove in due course of law such facts and such only as being alleged by him are expressly and specially denied by the opposant.

Opposant must expressly deny all averments which he intends to contest.

14. No such opposition shall be received by the Prothonotary or Clerk, unless it be accompanied with an affidavit of the opposant (or one of the opposants if there are more than one,) or of some other credible person, that the facts stated in the opposition are true to the personal knowledge of the deponent,—nor unless the opposant shall deposit with the Prothonotary or Clerk, a sum sufficient to pay the costs (or proportion of the costs) incurred by the plaintiff after the return of the suit up to judgment, including the costs of the service thereof, which costs shall be paid to the plaintiff by the Prothonotary or Clerk as soon as they have been taxed, without regard to the issue of the case: Any affidavit under this section may be in the form of Schedule C to this Act, and may be made before a Judge of the Superior Court, or before the Prothonotary or Clerk of the Superior or Circuit Court at the place where the opposition is to be filed, or before any Commissioner empowered to receive affidavits to be used in the Superior or Circuit Court.

Affidavit must be filed with the opposition, and certain costs deposited.

Before whom affidavit to be made.

15. No such opposition or *requête* shall be received by the Prothonotary or Clerk, unless a copy thereof for the plaintiff be delivered to him at the same time, which copy he shall deliver to the plaintiff or his Attorney on demand; but one copy only need be so filed, although the party plaintiff should consist of two or more persons.

Copy of opposition to be filed for plaintiff.

16. The opposition and all proceedings thereon shall be filed and registered as part of the proceedings in the original suit, and the plaintiff shall be deemed to appear to such opposition or *requête* in the same manner as he has appeared in the original suit, without any new appearance.

Opposition to be part of proceedings in the suit, &c.

17. The delays for pleading, answering and replying as regards such opposition, and the manner and time of foreclosing and proceeding in every matter incident thereto, shall,

Delays for pleading to opposition, &c.

if

if the case be in the Superior Court, be the same as in an action in that Court,—if the case be an appealable one in the Circuit Court, they shall be the same as in an action in any such case,—and if the case be a non-appealable one in the said Court returnable in vacation, they shall be the same as in an action in such case :—the delay to plead to any such opposition shall reckon from the expiration of the delay allowed for filing the opposition ;—A tariff of fees on such oppositions or proceedings incident thereto, may be made from time to time in like manner as in other cases, but until such tariff is made, the tariff applicable to the action to which the opposition relates, shall be applicable to proceedings incident to such opposition.

Fees on such oppositions and proceedings incident thereto.

Execution, if no opposition be filed in time.

18. If no opposition be filed at the Office of the Prothonotary or Clerk, within the delay allowed for that purpose, the facts as alleged in the action or demand, shall be deemed to be acknowledged and confessed by the defendant, and duly proved, and the Judgment recorded shall become executory after the expiration of the delay allowed by law for the issuing of execution in the Court in which the Judgment was rendered, reckoning such delay from the service of such Judgment.

If the opposition is maintained.

19. If any such opposition be maintained by reason of any irregularity in the proceedings on the part of the Plaintiff in his action, the Court may, in maintaining such opposition, with costs, condemn the Plaintiff to such further costs, not exceeding those deposited by the opposant on filing his opposition, as the Court in its discretion may see fit.

As to oppositions in the Magdalen Islands.

20. Any such opposition filed in the Circuit Court in the Circuit of the Magdalen Islands, to any Judgment rendered in any case by default or *ex parte* for an amount exceeding Fifty Pounds, shall, as regards pleading, answering and replying and the delays therefor, and as to all proceedings incident to such opposition, be considered as an appealable case in the Circuit Court.

Opposition may be filed before service of the judgment.

21. Any defendant may, before the service of the judgment recorded against him, file such opposition as aforesaid with his exhibits in support thereof, in the office of the Prothonotary or Clerk of the proper Court, and deposit therewith the costs to be refunded to the plaintiff, with the copy of the opposition for him ; but such defendant shall, in that case, give notice to the plaintiff of the day on which the opposition has been filed,—and the delay for pleading shall be reckoned from the service of such notice.

Notice—delays.

Plaintiff may renounce his judgment and proceed by default as usual.

22. Any plaintiff having obtained any such judgment may renounce the same at any time before the service thereof,—and upon his renunciation, which shall be filed of record, he shall become entitled to proceed in the case in the manner provided with

with respect to cases by default or *ex parte* as if such judgment had never been rendered ; and the costs of such judgment shall be borne by him.

23. No such judgment shall be recorded against any absent defendant who shall have been notified to appear by advertisement in the public newspapers. Not to apply to absentees called in by advertisement.

24. The delay for appealing in any case in which judgment may have been recorded as aforesaid by default, and in which an appeal may lie, shall be reckoned from the expiration of the time allowed for filing an opposition to such judgment. Delay for appeal in such cases.

25. In any such case in which an appeal shall be brought,-- Special provisions with regard to grounds of appeal in such cases.

1. It shall not be allowed as a valid ground of appeal, that the amount for which judgment was given was not proved to be due, according to the rules of law concerning evidence,-- and--

2. If in any such case the action was founded on an *Acte authentique*, the amount for which the judgment was given, shall be held to have been proved to be due, if it could have been due under such *Acte*, and-- Case on Acte authentique.

3. If in any such case, the action was founded on a Bill of Exchange, Promissory Note, *Cédule*, Check, Note or promise, or other *private* act, or agreement in writing, such Bill, Note, Check, *Cédule*, act or agreement in writing, and every signature and writing to or upon the same, shall be deemed genuine without proof thereof,--and any protest, notice or service thereof, if any be alleged by the Plaintiff, shall be presumed to have been regular and valid, and the costs thereof (if any are claimed) shall be presumed to be due and proved ; Case on Notes, Bills, &c.

4. If in any such case the action was founded upon a detailed account or on a verbal agreement, the amount claimed shall be presumed to have been duly proved by the affidavit of the plaintiff, or other person, that such amount was due from the defendant to the plaintiff, filed of record as hereinbefore provided. On account or agreement.

26. The hypothec arising from any such judgment as aforesaid, shall be reckoned from the time when the return of the service of such judgment on the defendant shall be filed in the office of the Prothonotary or Clerk of the proper Court, who shall register such return as part of the proceedings in the case ; Hypothec under such judgments from what time to be reckoned.

And in order to enable the plaintiff to have such judgment registered in the proper Registry Office, the said Prothonotary or Clerk, in addition to the usual certificate on the copy of the judgment Registration of such judgment, &c.

judgment that it is a true copy thereof, shall, if required, append thereto a further certificate of the date at which such judgment was served on the defendant and of that at which the return of the service was filed at his office: And any copy of such judgment with such additional certificate shall be registered by the Registrar to whom it shall be presented for that purpose.

Registration of judgment in favour of the defendant on opposition.

27. In case any such Judgment so registered shall be wholly or partially set aside, upon any such opposition as aforesaid, the opposant shall be entitled to have the judgment to that effect on his opposition registered for the purpose of wholly or partially cancelling the registration of the former judgment recorded against him.

Plaintiff not bound to proceed under this Act.

28. The foregoing provisions shall not deprive any Plaintiff of the right to proceed to judgment in the usual manner, in any case by default or *ex parte*, if he shall think fit so to do, instead of adopting the proceedings mentioned in the said provisions.

Non-appealable cases.

Every day to be a return day.

29. Every day in term or in vacation, not being a Sunday or Holiday, shall be a return day in non-appealable cases in the Circuit Court.

No change as to non-appealable cases returnable in term;

Except in Magdalen Islands.

30. Except only in the Circuit of the Magdalen Islands, as to which special provision is made in this Act and in the Lower Canada Judicature Act of 1857,—every such non-appealable case in which the Writ of Summons is made returnable in term, shall be dealt with and continue to be dealt with in the manner provided as to such cases by the Lower Canada Judicature Act of 1849, chapter thirty-eight.

As to non-appealable cases returnable in vacation.

Delay for pleading, &c.

31. In every such non-appealable case in which the Writ of Summons is made returnable in vacation, the defendant may, on the return day or on the next following juridical day, file his appearance personally or by Attorney,—the pleadings shall be in writing but in a summary form, and the delay for pleading shall be five clear days from the time allowed for such appearance: there shall be a like delay of five clear days for answering, to be reckoned from the expiration of the delay allowed for pleading,—and there shall be also a like delay of five clear days for replying, to be reckoned from the expiration of the time allowed for answering:—

Proviso: no demand of plea, &c., required in order to foreclosure.

Provided always, that no demand of any plea, answer or reply, shall be necessary in any such case, in order to foreclose the party entitled to file the same; but the party entitled to file any plea, answer or reply, shall be foreclosed from filing the same by the mere lapse of the delay allowed him for filing it.

32. In every such case, issue shall be held to be joined by the pleadings filed within the delay allowed for filing the same respectively.

Joinder of issue.

33. In any such case, no *Exception à la forme*, *Exception déclinatoire*, *Exception dilatoire*, or other preliminary plea, shall be received, unless the same be filed within four days from the day of the return of the Writ, or of the filing of the pleading to which such preliminary exception or pleading is opposed; and the delay within which any party must afterwards file his plea or pleas to the action or merits, shall be reckoned from the day of the date of the interlocutory judgment on the preliminary plea, or the withdrawal of the same:— Provided always, that the plaintiff may, before answering any such preliminary plea, demand of the defendant his plea or pleas to the action or merits, and if such last mentioned plea or pleas be not filed on or before the fifth juridical day after such demand, such defendant shall, without any *Acte* of foreclosure, become foreclosed from thereafter filing any plea to the action or merits, and there shall then be no issue raised between the plaintiff and defendant except on such preliminary plea or pleas, with regard to which the provisions of the seventy-third section of the said Lower Canada Judicature Act of 1857, shall apply in so far as they may be consistent with this Act.

Preliminary pleas when to be filed.

Delays for other pleas.

Plaintiff may demand plea to the action, &c., before answering preliminary plea.

Sect. 73 of 20 V. c. 44, to apply, &c.

34. As soon as issue is joined in any such case, any party thereto may inscribe it for the adduction of evidence and final hearing on the merits at the same time on any subsequent day in term, provided notice of such inscription be given to the opposite party, at least three days before the day for which the case is so inscribed, or such other number of days as may, from time to time, be fixed by any rule of practice to be made in that behalf, in the Districts of Quebec and Montreal, by the majority of the Judges residing therein respectively, and promulgated by any one of them sitting in Term, and in any other District by any Judge of the Superior Court in such District.

Inscription for *enquête* and hearing.

Notice thereof.

35. If the defendant in any such case do not appear, or having appeared do not, within the delay above limited, file any plea, the case shall be dealt with as a non-appealable case by default returnable in term, and the plaintiff may proceed therein in the manner prescribed with regard to a non-appealable case by default when returned in term; but the plaintiff may inscribe any such case, as by default, for the adduction of evidence and final hearing on the merits at the same time on any day in term, without giving notice to the defendant or opposite party.

If the defendant do not appear or plead in proper time, plaintiff may proceed by default, &c.

36. If in any such case returned in vacation, the defendant desires to confess judgment, he may do so in the manner and

Defendant may confess

judgment,
under sects.
83 and 84 of
20 V. c. 44.

Proviso.

to the effect provided as to appealable cases in the Circuit Court by the eighty-third and eighty-fourth sections of the Lower Canada Judicature Act of 1849, chapter thirty-eight; Provided that in non-appealable cases returned in term, the defendant may confess judgment orally in open Court in the manner and to the effect provided by the said sections of the said Act of 1849.

Fees and costs
in such cases.

37. Any tariff of fees and costs made before or after the passing of this Act, for non-appealable cases in which pleadings in writing have been ordered by the Court, shall apply to contested non appealable cases returned in vacation, in any Circuit where such tariff is in force.

Magdalen Islands.

Every day a
return day.

38. For any case over which the Circuit Court in the Circuit of the Magdalen Islands has jurisdiction, every day in term or in vacation, not being a Sunday or Holiday, shall be a return day.

Proceedings in
non-appeal-
able cases re-
turnable in
vacation;

And in other
cases so re-
turnable;

But if return-
able in term,
s. 127 of 20
V. c. 44, to
apply.

39. In any non-appealable case in the said last mentioned Circuit made returnable in vacation, the mode of proceeding shall be as hereinabove provided with respect to non-appealable case returnable in vacation; and in any other or appealable case over which the Circuit Court has jurisdiction in the said Circuit, the proceedings shall, if such case be returned in vacation, be the same as in an appealable case in Circuit Court in any other Circuit, returned in vacation;—but if such case be returned in term, the mode of proceeding therein shall be as provided by the one hundred and twenty-seventh section of the Lower Canada Judicature Act of 1857, in so far as the provisions of that section are not inconsistent with this Act.

In appeals
from judg-
ments by de-
fault, s. 129 of
20 V. c. 44, to
apply.

40. In any case in which an appeal may lie from a judgment by default, recorded by the Clerk of the Circuit of the Magdalen Islands, under the provisions hereinbefore made as to certain classes of cases,—the proceedings in appeal shall be as provided by the one hundred and twenty-ninth section of the said Lower Canada Judicature Act of 1857, with respect to appeals from judgments rendered by the Circuit Court in the Circuit of the Magdalen Islands,—except that the first day on which the case in appeal from any judgment so recorded by default may be heard in the Court of Queen's Bench, shall be the juridical day in term next after the expiration of ninety days from the end of the delay allowed to file an opposition (as hereinbefore provided), to such judgment, if such delay expires on or after the first day of the Spring Term in the said Circuit, and before the first day of the Autumn Term therein,—and the first juridical day in term after the first day of June next after the expiration of the said delay for filing such opposition, if such delay expires

Exceptions.

on or after the first day of the Autumn Term in the said Circuit, and before the first day of the Spring Term therein.

Procedure generally.

41. In the absence of any Judge of the Superior Court at the *Chef-lieu* of any District in vacation, the Prothonotary of the said Court in and for such District may, in cases of evident necessity, and when by delay in the performance or exercise thereof, a right might otherwise be lost or a wrong sustained, perform and exercise at such *Chef-lieu* any ministerial or judicial act or function which any Judge of the said Court might perform or exercise in vacation. But any order or judgment made or rendered by any Prothonotary under this section, shall be subject to revision by the Court, at its next sitting in such District, or by any Judge of the Court present at the *Chef-lieu* before such sitting, provided the party requiring such revision do, on or before the third juridical day after the making or rendering of such order or judgment, file with the Prothonotary an exception thereto stating the grounds on which it is founded; and the execution of such order or judgment shall in all cases be suspended until the time for filing such exception has expired, and if an exception be filed, the suspension shall continue until the decision of the Judge after such revision as aforesaid.

Prothonotary may act for Judge in cases not admitting delay.

His orders, &c., subject to revision, and in what manner.

42. It shall not be necessary for the Judges of the Superior Court to affix their official signatures to Writs of Execution from the Superior Court, or to indorse the same, but the signature of the Prothonotary to any such Writ shall be sufficient; nor shall it be necessary that the said Judges should sign Bonds of security in appeal or other Bonds, in any case, or should number or authenticate (*parapher*) Registers of Baptism, Marriages or Burials, in Lower Canada, but the said security Bonds or any other Bond or recognizance, may be received, acknowledged, and taken by the Prothonotary of the district in which such Bonds shall be required to be given, and be received by and acknowledged before him in the same manner and to the same legal effect as by any of the said Judges; and the said Registers may be presented to and numbered and authenticated (*parapher*) by the Prothonotary of the district with the same legal effect as by any of the said Judges; any law, ordinance, statute, or custom to the contrary notwithstanding;—and all and every person now by law required to present and keep such Registers shall continue to be subject to all the requirements and penalties of the law in that respect as fully as if this enactment in this section had not been made: But nothing herein shall be construed to prevent any such Judge from numbering or authenticating any such Register, or receiving any such Bond as aforesaid, if he shall think fit so to do, with the same effect as before the passing of this Act: And the return to any Writ of Appeal issuing from the Court of Queen's

Judges relieved from certain routine duties.

Proviso.

Judges may act if they see fit.

Queen's Bench in relation to any judgment or order of the Superior Court, may be made by, and the original papers and proceedings found in the Court concerning the same, may be sent up and certified to the said Court of Queen's Bench, by any Judge of the Superior Court, or by the Prothonotary thereof, at the place where such judgment or order was made.

Bonds, &c., in Circuit Court, before whom they may be taken.

43. Any Bond of security in appeal, or any other Bond or recognizance whatever required in any case in the Circuit Court, may be received, acknowledged and taken either before a Judge of the Superior Court or before the Clerk of the Circuit Court at the place where such case is pending, with the same legal effect as if received, acknowledged or taken before a Judge of the said Court.

Powers of Commissioners for taking affidavits.

44. Every Commissioner for receiving Affidavits to be used in the Superior Court in any District in Lower Canada, and whether such Commissioner resides in Upper or in Lower Canada, and whether he be appointed before or after the passing of this Act, and whether appointed by one Judge or by more than one Judge of the said Court, is hereby declared to have had and shall have full power and authority to receive Affidavits to be used in the Superior Court or in the Circuit Court in any and every District in Lower Canada.

Oaths under 16 V. c. 22,

and 18 V. c. 13, and—

Certain other oaths may be taken before Commissioners under 48 G. 3, c. 22 ;

or Recorders in L. C.

45. The oath required by the eleventh paragraph of the second section of *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, passed in the sixteenth year of Her Majesty's Reign, and extended to Lower Canada by *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*, passed in the eighteenth year of Her Majesty's Reign, or by any other provision of either of those Acts, and any oath required to be taken under any Act in which no mention is made of the name of the public functionary before whom such oath is to be taken, or any oath rendered necessary, or that may be required by the Governor in carrying into execution the provisions of any Act of the Legislature, may be administered by and taken before any Justice of the Peace, or any Commissioner appointed under *An Act to authorize the Judges in Civil Causes, in this Province, to delegate the power of administering oaths, in certain cases therein mentioned*, passed in the forty-eighth year of the Reign of His late Majesty King George the Third, or any Recorder in Lower Canada, within their several jurisdictions respectively; and any such oath already so taken before and administered by any one of such public functionaries, within their several jurisdictions, respectively, is declared valid to all intents and purposes.

Prothonotaries, &c., to have powers

46. The Prothonotary of the Superior Court, the Clerk of the Crown, and the Clerk of the Peace respectively, in and for any District,

District, and the Inspector and Superintendent of Police of the City of Quebec or of the City of Montreal, shall, each, within the limits of his respective jurisdiction, have and perform all powers and duties which by the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled: *An Act to authorize the confinement of Lunatics in cases where their being at large may be dangerous to the public*, were vested in or assigned to any Circuit Judge in Lower Canada.

and duties assigned to Circuit Judges under 14, 15 V. c. 83.

47. The Prothonotary of the Superior Court in and for any District shall have the same power as any Judge of the said Court to receive security to his satisfaction under the third Section of the Act of 1849, chapter forty-two, *to abolish imprisonment for debt, and for the punishment of fraudulent debtors in Lower Canada, and for other purposes*, or under any other provision of the said Act, from any Defendant arrested on a Writ of *Capias ad respondendum*, and being either in custody or under bail to the Sheriff, and to cause the sureties to justify their sufficiency on oath before him, and to administer such oath, and to order the release of such Defendant or the discharge of the bail to the Sheriff, on the perfecting of such security.

Prothonotary may receive security under sect. 3 of 12 V. c. 42.

48. If in an affidavit for obtaining a writ of *saisie-arrêt* before Judgment under the tenth section of the ordinance of the Governor and Legislative Council of the Province of Quebec, twenty-seventh George the Third, chapter four, or a writ of *capias ad respondendum*, under the said Act of 1849, chapter forty-two, in addition to the allegation that the Defendant is personally indebted to the Plaintiff in the sum required by the said Act or by the said ordinance, as the case may be, it shall be alleged upon grounds specially stated in the affidavit that the Defendant is a trader, that he is notoriously insolvent, that he has refused to compromise or arrange with his creditors, or to make a *cession de biens* to them or for their benefit, and that he continues to carry on his trade, such debtor shall then be held to be about to secrete his goods and chattels with intent to defraud his creditors generally, or the Plaintiff in particular, and a writ of *saisie-arrêt* before judgment for attaching his estate, debts and effects, may issue under the said ordinance, and a writ of *capias ad respondendum* for arresting such Defendant, may also issue under the said Act:

What affidavit shall be sufficient for arrest of a trader defendant and for attachment of his goods.

Provided always, that if upon summary petition of such Defendant, the grounds stated in the said affidavit appear to any Judge of the said Court sitting at the place where such writ of *capias ad respondendum* issued, to be insufficient, or if it be proved to the satisfaction of such Judge, that when the said affidavit was made, such defendant was not a trader, or was not notoriously insolvent, or had not refused to compromise or arrange with his creditors, or to make a *cession de biens* to them

Proviso: if the affidavit be shown to be untrue.

them or for their benefit, or was not continuing to carry on his trade, then the Defendant shall be discharged from custody by the order of such Judge.

Remedy in damages given against persons wasting or injuring property subject to hypothec.

49. If any personal hypothecary debtor or *tiers détenteur* in possession of any immoveable property on which there exists any privileged claim or hypothec, personally or by the intervention of others, wilfully and with intent to defraud the party having such privileged claim or hypothec, injures, wastes or diminishes the value of such property by destroying, carrying away, or selling any house, outhouse or building or deteriorating the same, or by destroying, carrying away or injuring any timber or fence, or any fixture in any house or building on the said property, he may be sued in damages by such privileged or hypothecary creditor whether the sum secured by such privilege or hypothec be or be not then payable or exigible, and in such action the Plaintiff may recover from the Defendant, with condemnation to *contrainte par corps*, damages equal to the diminution of value occasioned by such act of the Defendant as aforesaid, or to the amount of the privileged claim or hypothec if such amount be less than such diminution of value, but the amount so recovered shall be secured by the said privilege or hypothec, and when paid shall go in discharge or in diminution of the same.

Amount of damages: *Contrainte par corps* allowed.

Capias ad respondendum may issue in certain cases: Affidavit to be made.

50. If the Plaintiff in any such case as last aforesaid shall state in an affidavit to be made in manner provided by law as regards affidavits for obtaining Writs of *Capias ad respondendum*, that the amount secured by his privileged claim or hypothec exceeds ten pounds currency, and that the Defendant, being such hypothecary debtor or *tiers détenteur*, is with the intent to defraud the Plaintiff, personally or by the intervention of others, injuring, wasting or diminishing in value the immoveable property subject to such privilege or hypothec, or is about so to injure, waste or diminish the value thereof, to an amount exceeding ten pounds currency, by destroying, carrying away or selling some house or out-house or other building thereon, or by wilfully injuring or deteriorating the same, or by destroying or carrying away any timber or fence, or any fixture in any house or building on such immoveable property, a Writ of *Capias ad respondendum* may issue against such Defendant, in like manner and with the like effect as in other suits in which such Writ may issue.

Proviso, for release of defendant on giving security;—or if the affidavit be proved untrue.

Provided always, that such defendant may be released from confinement at any time before judgment, upon giving security or bail, in like manner and upon like conditions as other defendants arrested upon *Capias ad respondendum*; and if upon summary petition of such defendant, the grounds stated in the affidavit appear to any Judge of the Superior Court to be insufficient, or if it be proved to the satisfaction of any Judge of the Superior Court sitting at the place where such Writ of *Capias*

ad respondendum issued, that the allegations of the affidavit on which such Writ was obtained were false in any essential particular, the Defendant may be discharged from custody by the order of such Judge.

51. When any party having a privilege of *baillieur de fonds*, or other privilege or hypothec on any real property seized and advertised to be sold by any Sheriff under any Writ to him directed, has filed his opposition at the Sheriff's Office according to law before the day on which the writ is returnable, or before the actual return of such writ, with the titles, documents and certificates of registration requisite to support his claim,—then if such party becomes the purchaser of the whole or of any part of such real property, he may retain in his hands so much of the purchase money as shall not exceed the sum due and unsatisfied on the said privilege or hypothec and for which his opposition is so filed, until the return of the Writ shall have been made by the Sheriff and the Court to which it is returnable shall have ordered a final distribution of the proceeds, on which such purchaser shall forthwith pay into the hands of the Sheriff the sum by which his purchase money shall exceed the sum decreed by such order of distribution to be payable to such purchaser, and upon such payment the Sheriff shall execute to such purchaser aforesaid, a sufficient Deed of Sale of the property so by him purchased: Provided always, that any such party so becoming such purchaser shall give good and sufficient security to the Sheriff, for insuring the damages that may result to any party concerned, in case of the non-payment of the sum which such purchaser shall be subjected to pay to the Sheriff after such order of distribution.

Party opponent having privilege of *baillieur de fonds* on property sold by the Sheriff, may, if he becomes the purchaser, retain an amount not exceeding his claim, until final distribution of the proceeds.

Proviso, for security.

52. It shall be lawful for any Sheriff, before executing any seizure of any kind under any process to him directed (whether *saisie-arret* before judgment, seizure after Judgment, or *saisie revendication* or *enterecement*) to demand and receive in advance from the party at whose instance the seizure is to be made, or his Attorney *ad litem*, such sum as shall by any one of the Judges of the Superior Court or by the Prothonotary of the district in which the process for the seizure issued be deemed sufficient for the safe keeping of the effects and moveable property seized; and when and as often as the sum so advanced shall be expended, such Sheriff may, on presenting a summary petition to any one of the Judges of the Superior Court or to the Prothonotary of the District where the seizure has been made, obtain an order from such Judge or Prothonotary upon the party at whose instance the seizure was made, for the payment in advance of such further sum as by the said Judge or Prothonotary shall be deemed sufficient for the safe keeping of the effects and moveables seized; and service of such petition and order shall in every instance be made upon the Attorney *ad litem* of the party seizing:—And in default of such payment in advance within twenty-four hours after the said petition and order,

Sheriff before executing any *saisie*, may require an advance for his costs.

And so again when the first sum is expended.

In default, seizure to be discharged, order,

and Sheriff
exonerated.

order, the seizure shall be discharged and such Sheriff exonerated from all liability to any person or party whomsoever.

Sheriff to
whom any
sum is due for
such costs
when this Act
takes effect, to
have a like
remedy.

And it shall also be lawful for any Sheriff to whom at the time when this Act comes into force, any sum of money is due on any seizure then pending, for costs and disbursements incurred for the safe keeping of any effects or moveable property, upon presenting a summary petition to any Judge of the Superior Court, or to the Prothonotary of the District where the seizure was made, stating the amount due to him as aforesaid, to obtain an order from such Judge or Prothonotary upon the party at whose instance the seizure was made, for the payment of the sum so due to him ;—Service of such petition and order shall be made upon the Attorney *ad litem* of the seizing party, and in default of payment of the said sum within the time fixed by the said Judge or Prothonotary in such order, the seizure shall be discharged and such Sheriff exonerated from all liability to any person or party whomsoever, but such Sheriff shall nevertheless retain all his legal rights and remedies for recovering the costs and disbursements then due to him by reason of such seizure from any party who was by law liable for the same ;— And if in any such pending case the Sheriff is paid the amount of his fees and disbursements then incurred, he may thereafter demand and obtain in advance in the manner hereinbefore provided, any further sum of money required for the safe keeping of the effects and moveable property seized.

In default,
seizure to be
discharged,
and Sheriff
exonerated.

Advance for
any future
costs.

When the
Sheriff has
failed to make
or renew any
list of jurors
in time,
Judge may
order it to be
made within
a time to be
fixed.

53. Whenever from any cause whatever, the several Lists of Jurors which the Sheriff is by law required to make or renew, have not been made or renewed for any District in the manner and within the period limited by law, then as soon as the fact shall be made known by the Sheriff, Prothonotary, Clerk of the Peace or of the Crown, to any Judge of the Court of Queen's Bench for Lower Canada, or any Judge of the Superior Court when in such District, or whenever the fact has come to the knowledge of such Judge, he shall order the Sheriff of such District to make or renew the Lists of Jurors for the same, or such of them as have not been made or renewed as aforesaid, and shall by such order fix a period within which such List shall be made or renewed ; and if such order be not complied with, another may be made by the same or any other Judge in like manner until the said Lists are duly made or renewed :

Lists made
under such
order to be
valid.

The Lists made or renewed under any such order shall then be of the same force and effect as if originally made within the time prescribed by law, and shall be deposited, dealt with and used as if so made, but shall remain in force only during the same period as if they had been made or renewed at the time prescribed by law, and Lists shall be again made or renewed accordingly at the expiration of such period :

The cost of making or renewing any Lists of Jurors under such order as aforesaid, shall be borne by the Sheriff in default, unless he has some valid excuse for not making or renewing the same at the time prescribed by law :

Costs.

But nothing in this section shall relieve the Sheriff from any penalty or liability incurred by his default to make or renew any such List at the time prescribed by law.

Sheriff not relieved from penalty.

54. Whenever any writ, subpoena or other process, opposition, judgment, order, rule, notice or proceedings emanating from the Superior or the Circuit Court, or from any Judge, or incident to any suit or proceeding in either of the said Courts, requires to be served upon any party or person residing or being at the time in another district,—then if there is no special provision of law regulating the manner in which such service is to be made, it may be made by any Bailiff of the Superior Court for such other District, who shall make the service and return required, in like manner and with like effect as it would have been made by a Bailiff for the District in which such writ, subpoena or other process, opposition, judgment, rule, order, judgment, notice or other proceeding originated, if the party or person on whom the service is made had been resident or had been then present in such District. Provided always, that any Bailiff of the Superior Court for the District in which such Writ, Subpoena or other process, opposition, judgment, order, rule, notice or proceeding, issued or is made, rendered or had, may serve the same in any other District, but shall be entitled to no more costs or emoluments for so doing, than a Bailiff of the District where the service is made, residing nearest to the place of such service would have been entitled to for so doing.

How process, &c., may be served when the law makes no special provision.

Proviso: costs limited in certain cases.

55. Notwithstanding any thing to the contrary in the twentieth section of the Lower Canada Judicature Act of 1849, chapter thirty-eight, any writ of summons only (but not any writ of *capias ad respondendum*, *saisie-arret* before judgment, *saisie gagerie* or *saisie revendication*) issuing out of the Superior Court in any District, but to be served wholly or partly in some other District, may be addressed to and returned by any Bailiff of the said court for the District in which the writ is to be served, or by any Bailiff of the said court for the District in which the writ issues, but such last mentioned Bailiff shall be entitled to no more costs and emoluments for serving and returning the same, than a Bailiff for the District in which the service is made and residing nearest to the place of service would have been entitled to for so doing; And any writ of summons *ad respondendum* issuing out of the Circuit Court in any District to be executed in any other District, may be served and returned in such other District by a Bailiff of the Superior Court for the District in which the writ issues, but such last mentioned Bailiff shall be entitled to no more costs and emoluments for serving and returning the same, than a Bailiff

Service of writs of summons only, in districts other than that in which they are issued.

And in the Circuit Court.

Bailiff for the District in which the service is made and residing nearest to the place of service, would have been entitled to for so doing.

Service in matters of *folle enchère*.

56. In matters of *folle enchère* in the Superior or Circuit Court, any notice or any rule or order required to be served upon any purchaser (*adjudicataire*) of any personal or real property sold by virtue of a writ or order of execution, shall be well served upon such purchaser when left for him at the office of the Prothonotary or of the Clerk (as the case may be) of the Court in which such notice is given or such rule or order has issued, if the purchaser do not reside in the District in which the sale or adjudication was made; But this section shall not apply to any pending matter or case of *folle enchère*.

Execution against the body may issue out the Circuit Court in certain cases.

57. It shall be lawful for the Circuit Court sitting in any District, County or Circuit, to award any execution against the body of a person residing in a District, not including such District, County or Circuit, in any case where such execution is by law allowed; Such execution shall be directed to the Sheriff of the District in which such person resides, and such Sheriff shall execute the same and shall convey the body of such person to the Common Gaol of the District wherein such person shall be arrested; And such execution shall be executed in the same manner and to the same effect as an execution issued in the Superior Court in a District against the body of a person residing in another District would have to be executed under the thirty-ninth Section of the ordinance of the Governor and Legislative Council of the Province of Quebec, twenty-fifth George the third, chapter two.

Writs of Summons may be served in Upper Canada in certain cases, and by whom and in what manner.

58. In any suit or action brought or to be brought against any person who shall have left his domicile in Lower Canada, or against any person who shall have had no domicile in Lower Canada, but when such person shall have personal or real property therein, or the cause of such suit or action shall have arisen within Lower Canada, then if such person be a resident of or is known to be then in Upper Canada, it shall be lawful for any Judge of the Superior Court, or for the Prothonotary of the Superior Court or Clerk of the Circuit Court at the place where the action is brought, on being satisfied of the facts by affidavit or otherwise, to sign an order to be indorsed on the Writ of Summons in such suit or action, in the following words, "this Writ may be served in Upper Canada," and such Writ may then be served in Upper Canada by any Bailiff entitled to serve process of the County Court of the County in which the service shall be made or by any literate person, and the affidavit of such bailiff or of such literate person, made before some Commissioner authorized to receive affidavits to be used in the Superior Court or Circuit Court for Lower Canada, or any Justice of the Peace for the County in which the service is made, in the form of the Schedule D, to this Act, or to the

the like effect, shall be evidence of the service, and the person so served shall be bound to appear according to the exigency of the Writ, and if he fails so to appear, the plaintiff may proceed as in case of default, and as if the service had been made within the limits of the ordinary jurisdiction of the Court:— Provided always, that there shall be between the day of service of the Writ and that on which the defendant is commanded to appear, at least ten days if the action is in the Superior Court, and at least five days if the action is in the Circuit Court for the first five leagues, and one day more in either Court, for every additional five leagues of the distance of the place where the service is made from that where the sittings of the Court are held:—And provided also, that nothing in this section shall oblige the plaintiff to adopt the proceeding hereinabove mentioned, or prevent such defendant from being notified to appear by advertisement in the manner provided by the ninety-fourth section of the Lower Canada Judicature Act of 1849, chapter thirty-eight, if the plaintiff prefers to proceed under the said section.

Proviso: delay between service and appearance.

Proviso: not to prevent calling in defendant by advertisement.

And provided further, that the service and return of any writ in Upper Canada under this section, may be made by any Bailiff of the Superior Court for any District in Lower Canada, but such Bailiff shall be entitled to no more costs and emoluments for serving and returning the same, than a Bailiff of the County Court for the County in Upper Canada where the service is to be made, would have been entitled to for so doing.

Service in U. C. by Bailiff of L. C.—proviso as to costs.

59. The tenth section of the *Act to amend the Act to amend the Laws relative to the Courts of original Civil Jurisdiction in Lower Canada*, passed in the sixteenth year of Her Majesty's Reign, shall apply to parties in appealable cases in the Circuit Court at Montreal and Quebec, and to non-appealable cases therein returnable in vacation,—and also to parties to cases in the Superior Court, or to appealable cases in the Circuit Court, or non-appealable cases therein returnable in vacation, in every other District, except only the Districts of Gaspé and Saguenay, and the new District of Chicoutimi hereinafter mentioned;—so that (except in the Districts last mentioned,) no party to any such suit or case shall be compellable to file any plea, answer or reply, or to take any step or otherwise proceed therein, between the tenth day of July and the last day of August, both inclusive, in any year, save only as excepted in the said section and subject to the provisions thereof.

Sect. 10 of 16 V. c. 194, to apply to certain cases in the Circuit Court.

60. The subsection or paragraph marked "Thirdly," of the fourth section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend the Act, intituled, 'An Act to regulate the summoning of Jurors in Lower Canada,'* is hereby so far amended as to permit the trial by Jury in any civil cause to be had without any definition of the fact or facts to be inquired of by the

Verdict of jury need not be special, nor the facts defined by the Judge if there be consent.

14, 15 V. c. 89, s. 4, par. 3, repealed to the

a certain extent.

the Jury, and to enable the Jury to return a general verdict in such cause, provided the parties shall have consented thereto in writing.

Sect. 20 of 12 V. c. 41, revived, and right of appeal thereby allowed, restored.

61. The first section of the Act passed in the sixteenth year of Her Majesty's Reign, chapter one hundred and ninety-nine, repealing the twentieth section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to define the mode of proceeding before the Courts of Justice in Lower Canada, in matters relating to the protection and regulation of Corporate rights and to Writs of Prerogative, and for other purposes therein mentioned*, is hereby repealed; and the said twentieth section shall revive and be again in force, except as hereinafter mentioned, and the right of appeal thereby allowed shall exist with respect to all judgments rendered after the passing of this Act, provided the Writ of Appeal in any such case be issued within forty days from the rendering of the judgment appealed from, but not otherwise, except always that the said section shall not revive with respect to cases or matters concerning City of Municipal Corporations, or any office or officer of any such Corporation, nor shall any right of appeal exist under the said section with respect to any such case or matter.

Proviso: delay for issuing writ.

Proviso: costs limited.

62. No defendant sued before the Circuit Court at the *Chef-lieu* shall be liable to pay more costs (including the taxation of witnesses) than he would have been liable to pay if he had been sued before the Circuit Court in and for the County in which he resides, (if the Circuit Court has been directed to be held in such County) provided the case of action has originated in the said County.

Law of Evidence in commercial matters to apply to certain cases.

63. The Law relating to proof of all facts concerning commercial matters, in force in Lower Canada, shall apply to any sale or delivery made or to be made by a non-trader to a trader, of any provisions, produce, effects or things.

Miscellaneous Provisions.

As to Counties or Districts bounded by Rivers.

64. For the removal of doubts, it is declared and enacted, that in Lower Canada, wherever both banks of any River are in any District or County, then the River itself is within such District or County—whenever one bank of any River is in one District or County and the opposite bank is in another, then the centre of the main channel of the River is the boundary between the two Districts or Counties, each of which extends to the centre of such main channel;—and wherever any River or portion of a River is in any County it is also within the District of which such County forms part.

Proviso to sect. 1 of 16 V. c. 125, repealed.

65. The proviso contained in the first section of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to amend an Ordinance passed in the second year of Her Majesty's*

Majesty's Reign, intituled, 'An Ordinance concerning the erection of Parishes and the building of Churches, Parsonage Houses and Church-yards,' is hereby repealed: Provided always, that the Commissioners at present appointed for the District of Kamouraska shall be empowered to continue to final judgment all proceedings instituted before them, and in all such matters their jurisdiction shall extend and shall be deemed to have hitherto extended to the present Districts of Kamouraska and Rimouski.

Proviso: as to District of Kamouraska.

66. The one hundred and forty-seventh section of the Lower Canada Judicature Act of 1857, is declared and enacted to apply to the Recorder or Inspector and Superintendent of Police at either of the Cities of Quebec or Montreal or to any Justices of the Peace, when holding or sitting in the Court of Quarter Sessions, as giving to such Recorder or Inspector and Superintendent of Police, or such Justices of the Peace when holding or sitting in any such Court of Quarter Sessions, power to close or continue the term thereof in the cases provided for by the said one hundred and forty-seventh section of the Act lastly mentioned.

Sect. 147 of 20 V. c. 44 declared to apply to Recorders, Inspectors of Police, &c.

67. And inasmuch as by the twenty-first subsection of section five of the Interpretation Act, (which applies as well to the Lower Canada Judicature Act of 1857, as to the Lower Canada Judicature Act of 1849, chapter forty-two, to abolish imprisonment for debt, and for the punishment of fraudulent debtors in Lower Canada, and for other purposes, and to all Acts passed in or since the Session of 1849,) it is provided that if by any such Act "Any party be directed to be imprisoned or committed to prison, such imprisonment or committal shall, if no other place be mentioned, be in or to the Common Gaol of the locality in which the order for such imprisonment shall be made, or if there be no Common Gaol there, then in or to that Common Gaol which shall be nearest to such locality," and it is expedient to define which shall be deemed the nearest Common Gaols in or to which any party may be imprisoned or committed upon any order for such imprisonment, made in any civil suit or proceeding in the Superior or Circuit Court, or in any Commissioners' Court, in any New District, or by any Justice of the Peace in the exercise of his jurisdiction or powers in any civil case or proceeding in any New District, or in any civil case or matter in which any person may be imprisoned or committed to prison; Therefore, until a Gaol has been built in any New District and has become the Common Gaol thereof, by virtue of any proclamation appointing the day when the said Lower Canada Judicature Act of 1857, shall be in force in such District for all purposes of the administration of Justice in Criminal matters, the Common Gaols which shall be held to be nearest to the said New Districts respectively, and in and to which such imprisonment

Interpretation Act (12 V. c. 10) and 12 V. c. 42, cited.

Which shall be the common Gaols of the New Districts under 20 V. c. 44, respectively.

or committal as aforesaid under any order, writ, process or proceeding in the said New Districts respectively, shall be as follows :

The Common Gaol in and for the District of Montreal, shall be deemed the nearest to the Districts of Terrebonne, Joliette, Richelieu, St. Hyacinth, Bedford, Iberville and Beauharnois ;

The Common Gaol in and for the District of Quebec, shall be deemed the nearest Common Gaol to the Districts of Arthabaska, Beauce, Montmagny and for the new District of Chicoutimi hereinafter mentioned and Saguenay ;

And the Common Gaol in and for the District of Kamou-raska, shall be deemed the nearest Common Gaol to the District of Rimouski ;

Keepers to receive prisoners

And the keepers of each of the said Common Gaols respectively, shall receive and therein safely keep until discharged or bailed in due course of law, all persons to be imprisoned or committed to prison in cases arising in such New Districts respectively as aforesaid :

Proviso : as to the Old Districts.

Provided always, that for all purposes of the administration of Justice in Criminal matters, the Common Gaols in and for the Old Districts, as constituted before the passing of the said Lower Canada Judicature Act of 1857, shall continue to be the Common Gaols for the said Districts as then bounded, until the said Act fully comes into effect in the New Districts for all purposes of the administration of Justice in Criminal matters.

All Common Gaols declared to be Houses of Correction.

68. And for the avoidance of doubts, it is declared and enacted, that every Gaol in Lower Canada, whether in any of the Old or in any of the New Districts, is and has been the House of Correction for the District or Districts of which it is the Common Gaol, and shall be so unless and until another building is by law made the House of Correction for such District or Districts, and this provision shall apply to any Gaol hereafter to be built.

Local jurisdiction of Justices of the Peace for the Old Districts under the Act 20 V. c. 44.

69. Every Justice of the Peace for any of the Old Districts existing before the passing of the said Lower Canada Judicature Act of 1857, whether appointed as such before or after the passing of the said Act, but before the time to be appointed in any Proclamation under the fourth section thereof (as hereby amended) for its coming fully into effect in criminal matters, resident at that time in any of the New Districts constituted by the said Act, or in the new District of Chicoutimi hereinafter mentioned, shall, by virtue thereof and without any new Commission or oath of office, or other formality, be a Justice of the Peace for all purposes, civil or criminal, for the New District in which he is then

then resident, provided any part of such New District was at the time of his appointment included in the District for which he was appointed, and notwithstanding such New District may contain some part of some other of the old Districts, but he shall cease to be a Justice of the Peace for any part of such Old District which is not included in such New District.

70. Until the day appointed by any proclamation under the fourth section of the said Lower Canada Judicature Act of 1857 (as hereby amended) for its coming fully into effect in Criminal matters, every Justice of the Peace appointed or to be appointed before the said day for any of the Old Districts, (that is of the Districts existing before the passing of the said Act) who shall be resident in any of the New Districts thereby constituted, or in the New District of Chicoutimi hereinafter mentioned, may, in the exercise of his civil jurisdiction in such New District, or in any document, or in any act done or proceeding had by or before him of a civil nature, whether under the Elections Petitions Act of 1851, or any other law, designate himself or be designated as a Justice of the Peace for the New District in which he is resident, and over the whole of which his civil jurisdiction shall extend, (although it may include a portion of one or more of the Old Districts other than that for which he was appointed) or as a Justice of the Peace for the Old District for which he was appointed ; But every Justice of the Peace appointed for any of the Old Districts shall, in the exercise of his criminal jurisdiction designate himself, and be, until the day first mentioned in this section, designated as a Justice of the Peace for such Old District, within the limits whereof only he shall act as a Justice of the Peace in Criminal matters.

How Justices of the Peace resident in New Districts may designate themselves in Official Acts ;

And in Old Districts.

71. Until the said Lower Canada Judicature Act of 1857 is brought fully into force for all purposes of the administration of Justice in criminal matters, every Coroner in and for any one of the New Districts, may take inquisitions and make investigations appertaining to his office, within the District for which he is appointed, and may exercise all powers incident to such inquisition or investigation, and may commit any person who ought in the consequence thereof to be committed to Gaol, to the Common Gaol for the Old District including the locality in which such inquisition or investigation is had ;—And such Coroner shall certify the inquisition and investigation and the evidence and recognizances and other matters thereunto appertaining to the proper officer of the Court in which the trial is to be, before or at the opening of the Court ;—Provided always, that the Coroner in and for any one of the Old Districts, may also take such inquisitions and make such investigations in any place within such Old District, until the said Lower Canada Judicature Act of 1857 is brought, fully into force for all the purposes of the administration of Justice in criminal matters.

Local jurisdiction of Coroners in New Districts under the said Act 20 V. c. 44.

Proviso : as to Old Districts.

Declaratory provision concerning Bailiffs for Old Districts when the said Act 20 V. c. 44 came into force in civil matters.

72. And for the removal of doubts,—It is hereby declared and enacted, that,—Every Bailiff of the Superior Court duly appointed for any Old District before the said Lower Canada Judicature Act of 1857 was brought fully into effect for all purposes of the administration of Justice in civil matters, and resident when the said Act was brought fully into effect for the said purposes in any New District of which any part was theretofore included in such Old District, did thereupon by virtue thereof and without any new appointment or order, become a Bailiff of the said Court for such New District, although some part thereof was not included in such Old District, but ceased to be a Bailiff of the said Court for all places formerly in such Old District but not included in such new one,—And every Bailiff of the said Court for such Old District resident therein according to its new boundaries, remained a Bailiff of the said Court for all places which continued to be included in such Old District, but ceased to be such Bailiff for all places which became parts of any New District;—

Bailiffs in Chicoutimi.

And every Bailiff for the present District of Saguenay, resident in the New District of Chicoutimi hereinafter mentioned, at the time when the said New District shall be established for all purposes of the administration of justice in civil matters, shall thereupon become a Bailiff of the said Court for the said New District of Chicoutimi, and shall cease to be such Bailiff for the District of Saguenay as it will then be constituted.

Continuance in office as Bailiff.

Every such Bailiff has remained and shall remain a Bailiff of the said Court for the District for which he is above declared to have become or to have remained a Bailiff, until he is removed from office or ceases to reside in such District.

Bonds of Bailiff to remain valid.

And every bond or security which any such Bailiff gave for the due performance of the duties of his Office in such Old District, has remained and shall remain in full force notwithstanding such alteration in the local limits within which such duties are to be performed, and shall be held to be conditioned for the due performance of such duties within the locality for which he is hereby declared a Bailiff, after such alteration, as well as for the due performance of such duties in the Old District before such alteration.

Sect. 46 of 20 V. c. 44, amended.

73. The forty-sixth section of the Lower Canada Judicature Act of 1857, shall be amended so as to read as follows, and shall be interpreted and have effect accordingly :

The said section as amended.

“ The Governor may by the same Proclamation, or by several Proclamations, direct the Circuit Court to be held at more than one place in and for any of the Counties of Richmond, Stanstead, Wolfe, Missisquoi, Rimouski, Ottawa, Pontiac, Gaspé, Bonaventure,

“ Bonaventure, Beauce, Chicoutimi, Saguenay or Charlevoix, on being satisfied that proper accommodation has been provided for the Court and its officers at each of such places, and permanent provision made for their maintenance: Provided that in any of the said Counties in which the *Chef-lieu* of the district is situate, the place or places at which the Circuit Court shall be held for the County under any such Proclamation or Proclamations, shall be in addition to such *Chef-lieu*, at which the Circuit Court shall always be held for the District.”

And so much of the forty-fifth and forty-eighth sections of the said Act as may be inconsistent with this section, is hereby repealed.

Part of ss. 45 & 48, repealed;

74. The County of Chicoutimi shall be and is hereby constituted a District by itself, by the name of the District of Chicoutimi, as if it had been named as such in the Schedule A to the Lower Canada Judicature Act of 1857, and the *Chef-lieu* of the said District shall be at Chicoutimi, in the County of Chicoutimi; and the Counties of Charlevoix and Saguenay shall form the District of Saguenay, the *Chef-lieu* whereof shall remain as now at the Parish of St. Etienne de la Malbaie, or Murray Bay: and to the said District of Chicoutimi, the enactments of the said Act respecting the construction of Gaols and Court Houses and the keeping them in repair, and all other enactments now in force or to come into force of the said Act and the enactments of this Act, shall apply as to other New Districts, subject to the following provisions:

County of Chicoutimi to be a District by itself.

Chef-lieu.

Provisions of 20 V. c. 44 to apply.

1. The immediate establishment of the said District of Chicoutimi, in order that proper buildings may be constructed and other provision made for carrying the said Act and this Act fully into effect therein, shall operate no change in the local jurisdiction of the Superior Court or Circuit Court in the present District of Saguenay, or in the now existing Chicoutimi Circuit, until the day which shall be named as that on which the said Act and this Act shall take full effect in civil matters in and with respect to the said District of Chicoutimi, in the first Proclamations to be issued under the said Act and this Act, appointing the times at which Terms of the Superior Court and of the Circuit Court at the *Chef-lieu* are to be held in and for the said New District of Chicoutimi, and by which Proclamations the Governor shall declare the said New District to be established for all purposes of the administration of Justice in civil matters;

When the next foregoing enactment shall take effect.

Proclamations.

2. The number of Terms of the Superior Court and of the Circuit Court at the *Chef-lieu* and of the Circuit Court when held in and for the said County of Chicoutimi at any other place or places than the *Chef-lieu* respectively, to be held in the said New District of Chicoutimi in each year, shall not be less than three in each year for each Court; and any such Term of either Court may

Number of Terms of Superior Court and Circuit Court in Chicoutimi.

may be appointed to be held between the ninth day of July and the first day of September, as in the Districts of Gaspé and Saguenay; and the tenth section of the *Act to amend the Act to amend the Laws relative to the Courts of original Civil Jurisdiction in Lower Canada*, passed in the sixteenth year of Her Majesty's Reign, and the fifty-ninth section of this Act, shall not apply to the said District of Chicoutimi;

One Judge for Saguenay and Chicoutimi.

3. The said New District of Chicoutimi shall be assigned by the Governor to the same Judge as the then District of Saguenay, and such Judge may from time to time be directed by the Governor to reside in either of the said Districts, at such place as the Governor shall appoint; but the salary of such Judge, if directed to reside in the said New District of Chicoutimi, shall be the same as if he were directed to reside in the District of Saguenay;

Funds for building Court House and Gaol.

4. All moneys already appropriated for the building of a Court House and Gaol at Chicoutimi, shall be available for building a Court House and Gaol at the *Chef-lieu* of the said New District of Chicoutimi;

Pending suits not affected.

5. All suits and proceedings pending on the day on which the said New District of Chicoutimi shall be established for all purposes of the administration of Justice in Civil matters, shall be continued to judgment and execution, and as to all proceedings after execution, as if the said District had not been so established;

As to Criminal matters, 20 V. c. 44, 27 & 29, to apply.

6. As regards the administration of Justice in Criminal matters, all the provisions of the Lower Canada Judicature Act of 1857, of the Acts of the same year (twentieth Victoria,) chapters twenty-seven and twenty-nine, and of this Act, shall apply to the said New District of Chicoutimi, in like manner as to other New Districts.

The said Act 20 V. c. 44, may be brought fully into effect in criminal matters in one or more districts, if certain requirements are complied with and the Governor sees fit, without waiting till it can be so brought into force in all the districts.

75. Notwithstanding any thing to the contrary in the fourth or in the one hundred and fifty-second section of the Lower Canada Judicature Act of 1857, whenever the Governor shall be satisfied that there is at the *Chef-lieu* in any one or in any number of the New Districts constituted by the said Act, and this Act, a proper Court House and Gaol for all the purposes of the administration of Justice, he may issue a Proclamation appointing a day on which the remaining sections of the said Act not then in force in such New District or Districts shall come into force therein, and also a Proclamation naming the day on which the said Act shall take full effect in Criminal matters in such New District or Districts, and appointing the times at which the Terms of the Court of Queen's Bench are to be held in such New District or Districts respectively, and declaring the said New District or Districts to be established for all purposes of the administration of Justice

in

in Criminal matters ; and any such Proclamation shall have the same effect, as regards the District or Districts mentioned therein, as a Proclamation to the like effect issued under the fourth section of the said Act with regard to all the New Districts would have had with regard to them under the said section, although there may be still some New District or Districts in which certain sections of the said Act are not then in force ; And in case any Proclamation or Proclamations is or are issued under this section, and the said Act as amended by this Act, the remaining New Districts not included in any such Proclamation, shall continue, for all purposes of the administration of Justice in Criminal matters, to form part respectively of the Old Districts of which they now form part for such purposes, until they are themselves established for such purposes by Proclamations issued under this section and the said Act : But nothing in this section shall make it necessary that any such Proclamation should issue at any time with respect to any New District or Districts, if the Governor should deem it advisable to delay the issue thereof in any case, either to a later day, or until the said Act can be brought fully into force in Criminal matters in all the New Districts constituted by the said Act and by this Act. Proviso.

76. The provisions of this Act and those of the several Acts herein referred to upon similar subjects, shall be construed with reference to each other and as parts of the same law ; and the one hundred and thirteenth section of the said Lower Canada Judicature Act of 1849, (chapter thirty-eight, and all other provisions for the interpretation of that Act, and of the said Lower Canada Judicature Act of 1857, shall extend to the interpretation of this Act ;—The express repeal of particular provisions of former Acts shall not be construed as continuing in force any other provision of the same or of any other Act inconsistent with this Act, but any such inconsistent provisions shall be held to be repealed : The expression “The Lower Canada Judicature Act of 1857,” when used in this Act, shall mean the Act of the Parliament of Canada passed in the twentieth year of Her Majesty’s Reign, and intituled, *An Act to amend the Judicature Acts of Lower Canada.* Act to be construed as one Act with 20 V. c. 44: and certain rules of interpretation to apply to it.

Short Title of Act 20 V. c. 44.

SCHEDULE A.

Affidavit of the plaintiff (or one of the plaintiffs) under section eleven of this Act.

Lower Canada, District (or Circuit) of } In the Superior (or Circuit) Court.

A. B., Plaintiff, vs. C. D., Defendant.

A. B., of _____, the plaintiff (or one of the plaintiffs) in this cause, being duly sworn doth depose and say, that the sum _____ of

of _____, being the amount demanded of the defendant in this cause, is justly due by him to the plaintiff (or plaintiffs) therein for the causes in his (or their) *demande* mentioned: and the said deponent hath signed, (or hath declared himself unable to sign, being thereunto duly required).

Signature, A. B.

Sworn before me, at _____, this _____ day of _____ 185 .

J. S. P.

Signature of the Judge, Prothonotary, Clerk or Commissioner.

SCHEDULE B.

Affidavit of a person other than a plaintiff under section eleven of this Act.

Lower Canada, District (or Circuit) of _____ } In the Superior (or Circuit) Court.

A. B., Plaintiff, vs C. D., Defendant.

E. F., of _____, being duly sworn, doth depose and say, that to his personal knowledge, the sum of _____ being the whole (or part, as the case may be) of the amount demanded of the defendant in this cause, is justly due by him to the plaintiff (or plaintiffs) for the causes in his (or their) *demande* mentioned: and the said deponent hath signed, (or hath declared himself unable to sign, being thereunto duly required).

Signature, A. B.

Sworn before me, at _____, this _____ day of _____ 185 .

J. S. P.

Signature of the Judge, Prothonotary, Clerk or Commissioner.

SCHEDULE C.

Affidavit of an Opposant or of some other person under Section fourteen of this Act.

Lower Canada, District (or Circuit) of _____ } In the Superior (or Circuit) Court.

A. B., Plaintiff, vs. C. D., Defendant, and

G. H., Opposant.

A. B., of _____, the opposant, (or one of the opposants in this cause, or other person, as the case may be) being duly sworn doth depose

depose and say, that the facts articulated and set forth in the annexed opposition, and each and every of them, is and are true; and that the said opposition is not made with any intent unjustly to retard or delay the execution of the judgment recorded in this cause, but that the same is made in good faith for the sole purpose of obtaining justice, and the said deponent hath signed (or hath declared himself unable to sign, being thereunto duly required).

Signature,

A. B.

Sworn before me, at
185

, this

day of

J. P.

Signature of the Judge, Prothonotary, Clerk or Commissioner.

SCHEDULE D.

Affidavit of Service under Section fifty-eight of this Act, to be indorsed on the Writ of Summons.

A. B., of _____, being duly sworn, doth depose and say, (that he is a Bailiff entitled to serve process of the County Court of the County of _____, in Upper Canada,) and that he served the within Writ of Summons on C. D., the Defendant (or as the case may be) therein named, on the _____ day of _____, 18____, at _____ o'clock in the _____ at _____,

in the said County, by delivering to *him* personally a true copy of the said Writ (or as the case may be) by leaving a true copy thereof for the said C. D. with a grown up person of *his* family at *his* domicile in the said County: and Deponent hath signed.

A. B.

Sworn before me, at
this _____ day of _____,

18____ } }

J. P.

Signature of the Commissioner or Justice of the Peace.

[N. B.—Omit the words “that he is a Bailiff entitled to serve process of the County Court of the County of _____ in Upper Canada,”—when the service has been made by a literate person who is not a Bailiff, or being a Bailiff is not entitled to serve process of the County Court in such County. See sect. 58.]

C A P . V I .

An Act to enable Foreign Executors, Administrators and Corporations, to sue and be sued in Lower Canada.

[Assented to 30th June, 1858.]

Preamble.

WHEREAS doubts have arisen whether Foreign Executors and Administrators, as well as Joint-Stock Companies and Corporations incorporated and erected as well by Acts of Foreign Legislatures or Governments as by the Legislature of Upper Canada before the re-union of Upper and Lower Canada, have the right to sue or are liable to be sued in Lower Canada, and it is fitting and proper such doubts should be removed, and that such Executors and Administrators and Corporations or Joint Stock Companies should be entitled to sue and be liable to be sued in the same way as private individuals: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Foreign Executors and Administrators, &c., enabled to sue and be sued in Lower Canada.

1. All Executors of Wills, and all Administrators, or other legal representatives of the estate of any person dying in or out of Lower Canada, but seized of real or personal effects or rights of action there, and all other persons who either by the law of Upper Canada or by the Law of any Country or State whatever where the deceased may have died or have made his will, may be legally seized of the estate of the deceased or represent him in law, shall be recognized, and the legal capacity of any such Executor, Administrator or Representative shall be of equal validity and effect, by and before all Judges and Justices, and by and before all Courts in Lower Canada, and to all other legal intents, as in the Country or place where he or they may reside or have been named and appointed, or where the will of the deceased may have been made, notwithstanding that such Executor or Administrator or Representative, may reside out of Lower Canada.

Foreign Corporations, &c., enabled to sue and be sued in Lower Canada.

2. All Joint Stock or other Companies or bodies politic and corporate, who may have a legal capacity in the jurisdiction wherein they were or hereafter may be respectively erected or recognized, and all person or persons on whom by any properly constituted authority or law, whether of the heretofore Province of Upper Canada, or of the Imperial Parliament of Great Britain and Ireland, or of the United States of America, or of any of them, or of any other foreign state, colony or dominion, may have been or shall be conferred the right or power of suing or being sued, shall have the like capacity in Lower Canada, to bring and defend all actions, suits, complaints, bills and proceedings whatsoever,—and shall, by and

and before all Courts, Judges and Judicial authorities whatever in Lower Canada be held in law to be capable of suing and being sued, pleading and being impleaded, answering and being answered unto in the same name, manner and way as they could or might respectively be within the jurisdiction wherein such executors or administrators or person, body politic and corporate, Joint Stock Company or Association of persons, are or may be respectively created, erected or recognized.

3. In whatever part or place in Lower Canada, any such executor or administrator or person, company or body politic or corporate, joint stock company or other body or association of persons recognized by any foreign law as aforesaid, may have an office for the transaction of or may carry on business, such executor or administrator, company, body politic or corporate, joint stock company or other body or association, shall be liable to and may be sued and impleaded in Lower Canada, and a service of any process at any such office, or on any agent at the place or within the district or part of Lower Canada where such action may be brought, of any such Company, body politic or corporate, joint stock company or other body, shall be deemed and taken to be, by and before all Courts and Judges whatever, a good and valid service to compel the appearance of and make any such executor or administrator, body politic or corporate, joint stock company or association of persons, amenable to the laws of Lower Canada, and to give such Court or Judge jurisdiction over such defendants.

Service of process on agents, &c., or at office of any such executor, company, &c., in L. C. to be good.

C A P . V I I .

An Act to facilitate the proof in Lower Canada of certain Instruments executed without that section of the Province.

[Assented to 30th June, 1858.]

WHEREAS it is expedient to facilitate the proof in Lower Canada of certain instruments executed beyond the limits of that section of the Province, the originals whereof are deposited with Notaries Public: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. A Notarial copy of any power of Attorney purporting to be executed out of Lower Canada, in the presence of one or more witnesses, and to be authenticated by or before any Mayor or other Magistrate, Judge of any Court of Record, British Consul or other Public Officer of the Country where it bears date, the original whereof may be deposited for any purpose with any Notary Public in Lower Canada, and which copy shall be certified in the ordinary form by the Notary having Notarial copies of powers of Attorney attested before foreign public Officers, and deposited with any Notary to be *prima facie* evidence of having

such Instru-
ments.

having the custody of the original, shall be taken and received by and before all Courts and elsewhere in Lower Canada, as *prima facie* evidence of the original and of the due execution thereof; and such power of Attorney shall be held and taken to be authentic and duly proved in the manner aforesaid, unless the authenticity thereof be specially put in issue as hereinafter mentioned.

How the au-
thenticity of
such Instru-
ments may be
questioned,
and ascertain-
ed by com-
mission, &c.

2. It shall be competent for any interested party to deny the authenticity of the original of any such copy, by filing with the plea denying such authenticity, an affidavit to the effect that he has reason to doubt, and does not believe, that the same was executed or attested by the person or persons nor in the manner it purports to be, and by entering security, to the satisfaction of a Judge, for all costs attending the execution of any commission to be issued to prove such power of Attorney; it shall then be incumbent on the party wishing to use the copy, to prove the original thereof in due form of law, to which end the Notary having the custody of such original shall be bound, on the order of any Judge, to deposit the same in Court in the cause wherein it is put in issue, first detaching the same from any original minute whereto it may have been annexed, and taking at the expense of the party, a true and exact copy thereof collated in due form of law, which shall for the time being remain of record with him in lieu of the original; and it shall be the duty of all Judges and Courts to grant such order, on petition, any law or custom to the contrary notwithstanding; and the original may thereupon be annexed to any Commission to be issued for the proof thereof.

Costs of proof,
how payable.

3. If such power of Attorney is duly proved, all costs incurred on the proceedings for proving it shall be taxed against and payable by the party denying the authenticity of the same, whatever may be the final judgment in the cause.

C A P . V I I I .

An Act to amend the laws relating to admission to the Notarial Profession in Lower Canada.

[Assented to 30th June, 1858.]

Preamble.

WHEREAS it is just to grant to candidates for the notarial profession in Lower Canada, advantages equivalent to those enjoyed by candidates for the profession of advocate, or for the medical profession, in that section of the Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Term of Clerk-
ship shortened
for students

1. Any law student who, having conformed to the other provisions of the law regulating the admission to the study of the notarial

notarial profession in Lower Canada, shall, before or simultaneously with his period of service under a practising notary, have pursued a complete and regular course of legal studies in any school or faculty of law, legally established, in any college or university in Lower Canada, in conformity with the statutes of such college or university, shall only be bound to serve three years of clerkship, and shall be admitted to the notarial profession after he shall have submitted to an examination before the Board of Notaries for the district in which he shall have studied, and upon production of a certificate from the Rector, Principal, Superior, or other chief officer of such college or university, setting forth that such student has really and *bonâ fide* pursued the complete and regular course of study required by this Act, and has succeeded in passing the examinations required by the statutes of such college or university.

who have gone through a regular course of law in a college, &c., in Lower Canada, and passed his examination there.

2. The provisions of this Act shall apply also to law students for the notarial profession, who shall be regularly indentured under articles at the time of the passing of this Act.

To what students this Act shall apply.

3. Any Act or part of any Act contrary to the provisions of this Act, are hereby repealed, in so far only as regards students who shall comply with the requirements of this Act.

Repeal of inconsistent enactments.

4. This Act shall be a Public Act.

Public Act.

C A P . I X .

An Act to amend the Act passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to extend the right of Appeal in Criminal Cases in Upper Canada.*

[Assented to 30th June, 1858.]

WHEREAS it is desirable to correct a clerical error in the Fifth Section of the said Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The word "Terms" shall be struck out of the said fifth section, and the word "Term" inserted and read in lieu thereof.

Sect. 5 of 20 V. c. 61 amended.

C A P . X .

An Act to amend an Act passed last Session, intituled, *An Act to amend the Common Law Procedure Act, 1856, and to facilitate the remedies on Bills of Exchange and Promissory Notes.*

[Assented to 30th June, 1858.]

Preamble.

20 V. c. 57.

WHEREAS it is inexpedient that the summary remedy for the recovery of Bills of Exchange and Promissory Notes provided by the fourth, fifth, sixth, seventh, eighth and ninth clauses of an Act passed in the last Session of the Provincial Parliament, intituled, *An Act to amend the Common Law Procedure Act, 1856, and to facilitate the remedies on Bills of Exchange and Promissory Notes*, should be allowed to take effect on and after the first day of July next: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sect. 4 of the said Act amended.

1. The time fixed in the fourth clause of the said Act for the operation of the said clauses shall be extended to the first day of January, eighteen hundred and sixty.

C A P . X I .

An Act to amend the Act, intituled, *An Act to enlarge the Representation of the people of this Province in Parliament*, in so far as it relates to the Township of Armagh.

[Assented to 30th June, 1858.]

Preamble.

WHEREAS it would be for the advantage of its inhabitants, that the Township of Armagh, now forming part of the Counties of Montmagny and Bellechasse, should be included within the limits of one County only: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Township of Armagh annexed to Bellechasse. Exception.

1. From and after the passing of this Act, the Township of Armagh shall, for all purposes whatsoever, form part of the County of Bellechasse, with the exception of that part of the said Township designated and known as "*Les Prairies*," lying within the limits of the Parish of St. François, which shall continue to form part of the County of Montmagny.

C A P . X I I .

An Act to confer additional powers on the Trinity House of Montreal.

[Assented to 30th June, 1858.]

WHEREAS in an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to repeal a certain Act and Ordinance therein mentioned, relating to the Trinity House at Montreal, and to amend and consolidate the provisions thereof*, no provision has been made for the disposal of effects found in the River St. Lawrence, within the Port of Montreal; And whereas it is desirable to invest the Trinity House of Montreal with the same powers in relation to effects so found as are given to the Trinity House of Quebec with respect to such effects: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.
12 V. c. 117.

1. Every person finding any effects or thing in the River St. Lawrence, or on the beach thereof, or in any part of the rivers running into the same, within the Port of Montreal, shall, within four days, if the same be found within the Harbour of Montreal, and within fifteen days, if the same be found within any other part of the Port of Montreal, give notice thereof to the Registrar and Treasurer of the Trinity House of Montreal, under a penalty not exceeding ten pounds, and shall give him a description of the thing found; If, in the mean time, the master or owner claims the same, he shall pay to the finder, for his trouble, a fair remuneration, to be fixed by the Trinity House of Montreal, when the parties cannot agree upon it.

Notice to be given to the Trinity House by persons finding effects within its jurisdiction.

Party claiming to pay a remuneration to be fixed by Trinity House.

2. When any thing found in the River St. Lawrence, within the above limits, has not been claimed, the Registrar and Treasurer may advertise it during four weeks, in English and in French, in two or more newspapers published at Montreal, and if within one month after such publication the same be not claimed, the said Registrar and Treasurer shall sell the same publicly, and after deducting the expenses of advertising, sale or otherwise, two-thirds of the proceeds of the sale shall belong to the finder, and the remaining third to the Trinity House of Montreal.

Effects not claimed to be advertised;

And sold if not claimed.

3. This Act shall be construed as if its provisions made part of the Act above cited, and all the words and expressions used in this Act shall be held to have the same meaning that they have in the said Act, and all the provisions of the said Act, with regard to the penalties imposed by it, shall apply to the penalty imposed by this Act, which shall be deemed a public Act.

Interpretation of this Act.

Public Act.

C A P . X I I I .

An Act to incorporate the Village of Renfrew, in the County of Renfrew.

[Assented to 30th June, 1858.]

Preamble.

WHEREAS the inhabitants of the village of Renfrew, in the County of Renfrew, have by their petition represented, that from the rapid increase of the population of the said village, it has become necessary to confer upon it corporate powers, and have prayed that it may be incorporated accordingly, and it is desirable to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Renfrew incorporated as a village.

1. From and after the passing of this Act, the inhabitants of the said village of Renfrew shall be a body corporate apart from the Township of Horton, in which the said village is situate; and as such shall have perpetual succession and a common seal, with such powers and privileges as are now or shall hereafter be conferred on incorporated villages in Upper Canada, and the powers of such corporation shall be exercised by, through, and in the name of the municipality of the village of Renfrew.

Boundaries of the village.

2. The said Village shall comprise and consist of the following lots and parcels of land, that is to say: Lots numbers nine, ten, eleven, twelve, thirteen and fourteen in the first and second concessions of the Township of Horton, in the County of Renfrew.

Governor to appoint a Returning Officer.

3. Immediately after the passing of this Act, it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said village of Renfrew, which Returning Officer shall appoint the time and place for holding the first election in the said village, of which appointment the said Returning Officer shall give notice in a newspaper published in the said village, or if there be no newspaper published there, then by notices posted in at least three conspicuous places in the said village ten days before the said election.

Notice of Election.

His duties.

Qualification of voters.

4. The duties of the said Returning Officer, and the qualifications of the voters and persons elected as Councillors at such first election, shall be as prescribed by law with respect to townships in Upper Canada.

Copy of Collector's Roll to be furnished to Returning Officer.

5. The Collector or Township Clerk of the Township of Horton, or other person having the legal custody of the Collector's Roll of that Township, for the year of our Lord one thousand eight hundred and fifty-seven, shall furnish to the said Returning

Returning Officer, on demand made by him for the same, a true copy of such Roll, so far as the same relates to voters resident in the said village, and so far as such Roll contains the names of the male freeholders and householders rated upon such Roll in respect of real property lying within such limits, the amount of the assessed value of such property for which they shall be respectively rated on such Roll, which copy shall be verified on oath or as is now required by law.

6. The said Returning Officer, before holding the said Election, shall take the oath or affirmation now required by law to be taken by Returning Officers for incorporated villages in Upper Canada.

Returning Officer to be sworn.

7. Elections for Councillors for the said village of Renfrew, after the year one thousand eight hundred and fifty-eight, shall be held in conformity with the provisions of law applying to incorporated villages in Upper Canada.

Subsequent elections to be as in other places.

8. The several persons who shall be elected or appointed under this Act, shall take the same oaths of office and of qualification now prescribed by law.

Oaths of Officer, &c.

9. The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in villages incorporated under the provisions of the Upper Canada Municipal Acts, and have, use and exercise the same powers and privileges as in the said incorporated villages.

Number and powers of Councillors, &c.

10. From and after the passing of this Act, the said village shall cease to form part of the said township of Horton, and shall, to all intents and purposes, form a separate and independent municipality, with all the privileges and rights of an incorporated village in Upper Canada; but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the township of Horton aforesaid, but the said village of Renfrew shall be liable to pay to the treasurer of the township of Horton aforesaid, in each and every year until any such existing debt be fully discharged, the same amount which was collected within the said described limits of the said village towards the payment of such debt, for the year one thousand eight hundred and fifty-seven, and the same shall be a debt against the said village.

Village separated from Township.

Proviso as to existing debts.

11. Any Councillor elected to serve in the township council of the said township of Horton, for the present year, and residing within the above prescribed limits of the said village, shall, immediately on the passing of this Act, cease to be such councillor, and the duly qualified electors of the said township of Horton, not included in the said limits, shall thereupon proceed

New Township Councillor to be elected in place of any one residing in Renfrew.

proceed to elect a new Councillor or Councillors, as the case may be, to serve in the council of the said township, for the remainder of the year, as in the case of death or resignation provided for by the Municipal laws of Upper Canada.

Township Officers not to collect taxes in the village during 1858; how the village taxes for this year shall be raised.

Proviso: as to School rates.

Proviso: as to share of Clergy Reserve Fund.

Proviso: as to Tavern, Shop and Auctioneer licenses.

Requisite proportion of Assessment Roll to be furnished for Renfrew.

As to expenses of assessments for 1858, &c.

Public Act.

12. The officers of the said council of the township of Horton, shall not proceed to collect any rate or assessment imposed by the said council for the present year, within the limits of the said village, but the amount which may be required for the purposes of the said village within the present year, shall be based on the assessment of the township assessor or assessors for the present year, and shall be collected by the officer or officers to be appointed by the said village council for that purpose: Provided always, that nothing herein contained shall affect any school section or school rate for the present year, nor the right of any school section to any money already set apart for School purposes; And provided further, that the said village of Renfrew shall be entitled to recover from the said Township of Horton, such share of all money apportioned to such Township from the Upper Canada Municipalities Fund, prior to the passing of this Act, as shall bear the same proportion to the whole sum so apportioned to the said Township as the number of rate-payers resident within the limits of the said village, as shewn by the Collector's Roll of one thousand eight hundred and fifty-eight, bears to the whole number of rate-payers of the said Township; And also provided further, that the said village of Renfrew shall be entitled to recover from the said Township of Horton all money which may have been collected by the said Township for all Tavern, Shop and Auctioneer Licenses granted within the limits of the said village for the year one thousand eight hundred and fifty-eight.

13. The Clerk of the said Township shall, and he is hereby required to furnish to the Clerk to be appointed by the Council of the said village, on demand made by him therefor, a true copy of the Assessment Roll for the present year, so far as the same shall contain the rateable property assessed within the said village, and the names of the owners thereof.

14. The expenses of any assessment imposed for the present year, so far as the same shall relate to assessments made within the limits of the said village, and the expenses of furnishing any documents, or copies of papers and writings, by the Clerk or other officer of the Council of the said Township, hereinbefore referred to or required to be furnished, shall be borne and paid by the said village Council to the said Township Council or otherwise as the said Township Council shall require.

15. This Act shall be deemed a Public Act.

C A P . X I V .

An Act to annex certain new Townships to the Counties of Victoria and Peterborough and the North Riding of the County of Hastings.

[Assented to 30th June, 1858.]

WHEREAS the rapid settlement of the new Townships of Carden, Dalton, Ryde, Draper, Macaulay, Digby, Longford, Oakley, Lutterworth, Anson, Hindon, Laxton, Snowdon, Minden, Stanhope, Glamorgan, Dysart, Guilford, Monmouth, Dudley, Harburn, Chandos, Cardiff, Harcourt, Bruton, McClure, Herschel, Faraday, Wollaston, Wicklow, Monteagle, Dunganan, Limerick, Bangor, Carlow, Mayo and Cashel, which have been recently surveyed, and which adjoin the present limits of the Counties of Victoria, Peterborough and the North Riding of the County of Hastings, renders it expedient that the said Townships should be annexed to the said Counties respectively, in the manner hereinafter mentioned : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. From and after the passing of this Act the said Townships of Carden, Dalton, Ryde, Draper, Macaulay, Digby, Longford, Oakley, Lutterworth, Anson, Hindon and Laxton, shall be attached to and form part of the said County of Victoria for all purposes whatsoever.

Certain new Townships annexed to Victoria.

2. From and after the passing of this Act the said Townships of Snowdon, Minden, Stanhope, Guilford, Dysart, Glamorgan, Monmouth, Dudley, Harburn, Bruton, Harcourt, Cardiff and Chandos, shall be attached to and form part of the County of Peterborough for all purposes whatsoever ; And the said Townships of McClure, Herschel, Faraday, Wollaston, Wicklow, Monteagle, Dunganan, Limerick, Bangor, Carlow, Mayo and Cashel, shall be attached to and form part of the North Riding of the County of Hastings for all purposes whatsoever.

Certain others annexed to Peterborough.

And certain others to North Riding of Hastings.

C A P . X V .

An Act to legalize certain By-laws and Debentures of the Town Council of Cobourg, and to amend the Act vesting the Cobourg Harbour in the Municipal Corporation of the Town of Cobourg, and for other purposes.

[Assented to 30th June, 1858.]

WHEREAS by an Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled,

Preamble.

13, 14 V. c. 83. intituled, *An Act to vest the Harbour at Cobourg in the Municipality of that Town*, the Harbour of the Town of Cobourg, and all the rights, privileges and appurtenances attached or belonging thereto, were vested in the Municipal Corporation of the Town of Cobourg, with power to borrow moneys for the improvement of the said Harbour, as the same might, from time to time, be required; And whereas, since the passing of the said recited Act, large sums of money have, from time to time, been raised by the said Municipal Corporation, by the issue of debentures, which moneys have been expended in the extension and improvement of the said Harbour; And whereas doubts have arisen as to the validity of the By-laws under which the said debentures have been issued, and it is desirable to remove the same, and also to make certain amendments in the said recited Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

By-laws and debentures for raising money under the said Act, confirmed.

1. Any By-law or By-laws passed by the said Municipal Corporation since the passing of the said recited Act, and any debenture or debentures issued thereunder for raising money, for the extension, improvement or repairs of the said Harbour, or for the payment of any debt incurred by the said Municipal Corporation on account of the said Harbour, shall be, and the same are hereby declared to be, valid and binding upon the said Municipal Corporation, notwithstanding any defect or imperfection in the said By-laws or debentures, or any or either of them, respectively.

By-laws to be passed for the said purposes to be valid.

2. Any By-law or By-laws to be hereafter passed by the said Municipal Corporation for raising any money for the extension, improvement or repair of the said Harbour, or for the payment of any debt due by the said Municipal Corporation on account of the said Harbour, shall express the purpose for which such money is to be raised, the amount to be raised, the time and manner when the same shall be payable, and shall charge the payment of the principal and interest of the money to be raised thereby, upon the tolls and revenues of the said Harbour; and none of the forms necessary to the validity of any By-law imposing any rate by a Municipal Corporation, shall be required as to any By-law passed, or to be passed under the said recited Act or this Act; Provided always, that the entire amount raised, and to be raised, under the said recited Act and this Act, shall never exceed the sum of forty thousand pounds currency.

Proviso: total amount limited.

Charges on the Harbour Fund, and their order.

3. The tolls and revenues arising from the said Harbour shall be kept by the said Municipal Corporation in an account distinct and separate from the account of all other funds and moneys of the said Corporation, and the charges upon the said tolls and revenues of the said Harbour, shall rank as follows:

1st.

1st. Expenses of management ;

2nd. Interest on debentures ;

3rd. Sinking Fund of two per cent. per annum on the amount of principal unpaid ;

4th. General purposes of the Corporation.

4. The amount of the Sinking Fund, at the end of each year, shall be invested in Government or Municipal Loan Fund Debentures, or in the redemption of any debentures issued under the said recited Act or this Act, and shall not be used for any other purpose whatever. Sinking Fund how to be appropriated.

5. This Act shall be deemed a Public Act.

Public Act.

C A P . X V I .

An Act to alter and amend the Acts relating to the Niagara District Bank.

[Assented to 30th June, 1858.]

WHEREAS the Niagara District Bank, a Body Corporate and Politic, constituted as such under and by virtue of the Act of the Legislature of this Province, passed in the eighteenth year of Her Majesty's Reign, and intituled, *An Act to incorporate the Niagara District Bank*, have by their Petition in that behalf prayed for certain amendments in the Acts relating to the said Corporation, and it is desirable to grant the prayer of the said Petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble. 18 V. c. 204.

1. For and notwithstanding any thing in the aforesaid Act, or in the Act passed in the twentieth year of Her Majesty's Reign, and intituled, *An Act to alter and amend the Act incorporating the Niagara District Bank*, contained, the remaining sum of Two Hundred Thousand Pounds of the Capital Stock of the said Corporation shall be subscribed for and paid up as follows, that is to say, the sum of Fifty Thousand Pounds within two years from the passing of this Act, and the remaining sum of One Hundred and Fifty Thousand Pounds within five years from the passing of this Act, on pain of forfeiture of the privileges granted by the said Act and by this Act. Time for raising certain new capital under 20 V. c. 163, extended.

2. So much of the Acts aforesaid, or either of them, as may be inconsistent with or repugnant to the provisions of this Act, shall be and is hereby repealed. Inconsistent enactments repealed.

Privileges not
forfeited by
reason of
stock not be-
ing paid up,
as required by
20 V. c. 163.

3. It is hereby declared that none of the privileges granted by the said Acts, or either of them, have been forfeited by reason of the said first mentioned sum of Fifty Thousand Pounds not having been subscribed for and paid up before the passing of this Act as required by the said Acts, or either of them, and that the said privileges and each and every of them still are and shall continue to be vested in and enjoyed by the said corporation in as full and ample a manner to all intents and purposes whatsoever as they have ever been vested in or enjoyed by it, subject only to the terms and conditions of the said Acts as amended by this Act.

Public Act.

4. This Act shall be a Public Act.

C A P. X V I I .

An Act to amend the Act of Incorporation of the
College of L'Assomption.

[Assented to 30th June, 1858.]

Preamble.

4, 5 V. c. 68.

WHEREAS by the Act of Incorporation of the College of L'Assomption, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, chaptered sixty-eight, and intituled, *An Act to incorporate the College of L'Assomption, in the County of Leinster*, it is provided that the Corporation of the said College shall consist of—firstly—the Roman Catholic Bishop of Montreal, or his representative—secondly, the Director of the College and his successors in office—thirdly, the Rector of the Parish; fourthly and fifthly—of the two Priests, or if there be none, of the two Ecclesiastics who shall have been longest resident in the said College—sixthly, seventhly, eighthly and ninthly—of the Reverend François Labelle, the Reverend Edouard Labelle, Doctor L. J. C. Cazeneuve, and Doctor Jean Baptiste Meilleur, voluntary Trustees, and amongst the founders and benefactors of the said College; And whereas by the said Act it is further provided, that in case of the death of any one or more of the four members of the Corporation last mentioned, he or they shall be succeeded by a person or persons to be chosen by the inhabitant heads of families of the said Parish of L'Assomption, qualified to vote at the election of Parish Officers, at the first annual meeting to be held for that purpose after the death of such member or members, and the said persons so chosen to be members of the said Corporation shall, at their death respectively, be replaced by other persons chosen in like manner, and so on continually for ever; And whereas the Ordinance of the Special Council passed in the fourth year of Her Majesty's Reign, chaptered three, which authorized such Parish meetings, was repealed by the Act passed in the eighth year of Her Majesty's Reign, chaptered forty, and in consequence
the

the powers conferred upon the inhabitant heads of families of L'Assomption, by the Act of Incorporation above cited, have ceased to exist, and it is necessary to adopt a new mode of election for the replacing of the said four members of the Corporation in future, and it is absolutely requisite to provide immediately for the election of a successor to the said Doctor L. J. C. Cazeneuve, who is deceased: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said Act of Incorporation of the College of L'Assomption is, and shall be amended in the following manner, that is to say: the said Doctor L. J. C. Cazeneuve, and any other of the said four members whose death, removal, resignation or residence without the limits of the Parish of L'Assomption, shall hereafter render the choice of a successor necessary, shall be replaced by one or more persons to be chosen by the Corporation of the College of L'Assomption, by a majority of the votes of the surviving members present, at a meeting to be held for that purpose, and of which the quorum, mode of calling and all other proceedings incident thereto, shall be regulated by the said Corporation; and the said mode of election shall, for all purposes whatever, be substituted for that prescribed by the said Act of Incorporation, the other provisions of which not affected by this Act, shall remain in force.

Mode of electing successors to the lay members of the corporation of the College.

2. Provided always, That nothing contained in this Act shall affect any of the present members of the said Corporation.

Proviso: Present members not affected.

3. This Act shall be deemed a Public Act.

Public Act.

C A P . X V I I I .

An Act to authorize the community of the Sisters of Charity of the General Hospital of Montreal, known as the *Grey Nuns*, to sell or alienate their fiefs and seigniories, and other property therein mentioned.

[Assented to 30th June, 1858.]

WHEREAS the reverend Sister Superior and other members of the community of the Sisters of Charity of the General Hospital in Montreal, commonly called *Grey Nuns*, and administrators of the property of the poor of the said hospital, have by their petition prayed that an Act may be passed to authorize them to sell and alienate their fiefs and seigniories and other property therein mentioned, and to employ the proceeds of such sale in the acquisition of other real estate, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

The said Grey Nuns empowered to sell certain property.

1. It shall be lawful for the said community of the Sisters of Charity of the General Hospital of Montreal to sell or otherwise alienate all the fiefs and seigniories generally belonging to the said community and all property to them belonging *à titre de fief ou seigneurie* in Lower Canada, and all islands and islets appertaining to the said community in Lower Canada,—also all mills, water powers, emplacements, lands and tenements whatsoever, with the buildings thereon and their dependencies, belonging to the said community within the limits of any fiefs or seigniories, islands or islets, belonging to the said community; also, all lands held *en censive* belonging to the said community, situated in the village of St. Henri in the island of Montreal, and which has been intersected by railways, with all its dependencies.

Sales may be made in block or in parcels, &c.

2. It shall also be lawful for the said community of the Sisters of Charity of the General Hospital of Montreal to make or effect the sale or other alienation of such fiefs, seigniories, islands or islets, mills, water powers, emplacements, lands and tenements, with all their appurtenances and dependencies, in block or at different times in parcels, for a fixed price or sum of money, or for constituted rents (*rentes constituées*) or redeemable ground rents, or by way of exchange for other lands in Lower Canada, and to be paid and receive the price or proceeds of such sales or alienations, and the capital of the constituted or ground rents resulting from such sales or alienations, or to leave the whole or any part thereof in the hands of the purchaser, payable by instalments.

Purchase money may be invested in lands, rents, &c., which may be again sold.

3. It shall be lawful for the said community of the Sisters of Charity of the General Hospital of Montreal to purchase or acquire and hold at any time other immoveable property in Lower Canada, or constituted or ground rents charged upon real estate or immoveable property in Lower Canada up to the amount of the capital produced by the sale or alienation of the property which they are authorized to sell or alienate by this Act, and to sell or otherwise alienate at any time, in the manner prescribed by this Act, the real property, lands received in exchange, constituted or ground rents so acquired; the laws respecting mortmain or any other Act or law to the contrary notwithstanding.

Return of property sold, &c., to be made to the Governor when called for.

4. The said community of the Sisters of Charity of the General Hospital of Montreal, shall, when required so to do by the Governor or person administering the government of this Province, make a report and submit to him a statement of the sales or other alienations, and of the acquisitions which they may have effected in virtue of this Act, and of all sums of money which they have received as and for the principal arising from the sales or alienations which they shall have effected under the authority of this Act.

Public Act.

5. This Act shall be deemed to be a Public Act.

C A P.

C A P . X I X .

An Act to incorporate the Montreal Mountain Boulevard Company.

[Assented to 30th June, 1858.]

WHEREAS it is desirable for the embellishment of the Preamble.
 City and Suburbs of Montreal, and for the health of the citizens thereof, that a Boulevard or Public Road should be formed on and around the Mountain adjoining the said City, and that suitable grounds should be set apart upon the sides or top of said Mountain for Public Grounds, Parks, Gardens, Squares or Ornamental Grounds; And whereas Chas. S. Rodier, Mayor, Jno. Boston, Wm. Murray, W. H. Bréhaut, Benj. Hall, Jno. Crawford, Gregor McGregor, Jas. H. Springle, E. A. Dubois, John Leeming, S. W. Monk, A. Robertson, William Workman, D. Lorn McDougall, T. Bouthillier, M. H. Gault, David Bellhouse, J. Glennon, H. L. McDougall, John G. Dinning, Peter Redpath, W. Badgley, J. Smith, S. C. Monk, Chas. J. Coursol, James Court, for the heirs McCulloch, L. Villeneuve, for the Montreal Seminary, G. Moffatt, Wm. Dow, L. H. Holton, H. B. Smith, Wm. Lunn, Robt. Anderson, Wm. Watson, John Frothingham, J. S. McCord, M. E. David, T. C. Pantou, Robt. McKay, John Young, and Sidney Bellingham, have petitioned to be incorporated, with such other persons as shall become associated with them, as a Company under the name of the "Montreal Mountain Boulevard Company:" Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The said Charles S. Rodier, Mayor, John Boston, Wm. Murray, W. H. Bréhaut, Benj. Hall, John Crawford, Gregor McGregor, Jas. H. Springle, E. A. Dubois, John Leeming, S. W. Monk, A. Robertson, Wm. Workman, D. Lorn McDougall, T. Bouthillier, M. H. Gault, David Bellhouse, J. Glennon, H. L. McDougall, John G. Dinning, Peter Redpath, W. Badgley, J. Smith, S. C. Monk, Chas. J. Coursol, James Court, for the heirs McCulloch, L. Villeneuve, for the Montreal Seminary, G. Moffatt, Wm. Dow, L. H. Holton, H. B. Smith, Wm. Lunn, Robt. Anderson, Wm. Watson, John Frothingham, J. S. McCord, M. E. David, T. C. Pantou, Robt. McKay, John Young, Sidney Bellingham, and such other persons as shall, under the provisions of this Act, become subscribers to or proprietors in the Company hereby intended to be incorporated, shall be and are hereby united into a Company for the constructing, maintaining, and managing the Boulevard or Public Road to be formed on and around the said Mountain adjoining the said City of Montreal, and the grounds to be set apart upon the sides or top of the said Mountain for Public Grounds, Parks, Gardens, Squares or Ornamental Grounds, as aforesaid, and shall be, and are hereby ordained,

Certain persons incorporated.

For what purpose.

Corporate name.

ordained, constituted and declared to be a body corporate and politic in fact, by and under the name of the "Montreal Mountain Boulevard Company," and the said Company shall be, and they are hereby authorized and empowered from and after the passing of this Act, by themselves, their agents, officers, workmen and servants, to make and complete the Boulevard or Public Road, Public Grounds, Parks, Gardens, Squares or Ornamental Grounds aforesaid for the embellishment of the said City and suburbs, and for the health of the citizens thereof.

Amount of capital stock, and shares thereof.

2. The Capital Stock of the said Company shall be Fifty Thousand Dollars, divided into Shares of Twenty Dollars each; such shares as aforesaid shall be, and the same are hereby vested in the Shareholders and their respective heirs, executors, administrators and assigns as personal estate; and such Shareholders respectively may sell, transfer, give or alienate the shares held by them respectively whensoever they think fit; and the said Company shall have power to increase the Capital to One Hundred Thousand Dollars.

Power to increase.

Votes by proxy or in person—one for each share.

3. At all Meetings of the said Company each Shareholder may vote in person or by proxy, duly appointed in writing, and shall be entitled to one vote for each share.

Subscription books to be opened, after public notice.

4. The persons hereinbefore named, or the majority of them, shall cause books of subscription to be opened in the City of Montreal aforesaid, for at least thirty days previous to the Meeting of the Shareholders hereinafter provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking; and for this purpose it shall be their duty, and they are hereby required to give public notice in two or more newspapers published in the said City of Montreal, in the English and French languages, as they or a majority of them may think proper, of the time and place at which such books will be opened and ready for receiving subscriptions as aforesaid; and further, the said persons, or a majority of them, are hereby empowered to appoint a Provisional Committee, if they should see fit, for the ends and purposes above specified.

City of Montreal and other Municipalities may hold stock.

5. It shall also be lawful for the City of Montreal, or the Municipality of any locality through which the said Boulevard shall pass, or for any religious community or corporation, whose property may be traversed or affected by the said Boulevard, to hold stock in the said Company, or to lend money to the said Company, any Act or law to the contrary notwithstanding, and to appoint a person or persons to vote for such Municipality, Community or Corporation, upon the shares so held, or to exercise any of its other rights as a member of the Corporation, in such manner as said Municipality, Community or Corporation and the Company may agree upon.

6. So soon as Five Thousand Dollars of the Capital Stock of the said Company shall have been subscribed as aforesaid, it shall be the duty of the persons before named, or a majority of them, or of the Provisional Committee appointed by them as aforesaid, to call a Meeting of the Shareholders for the purpose of putting this Act into effect; which said Meeting shall be held at the City of Montreal aforesaid; and eight days previous notice thereof shall be given in two newspapers published in the English and French languages respectively in Montreal, at which said General Meeting, the Shareholders shall choose nine Directors in the manner and qualified as hereinafter mentioned, who shall hold office until the first annual General Meeting for the election of Directors, and until others be appointed in their stead.

First general meeting for the election of Directors.

7. In each year after the said Meeting hereinbefore provided for the first election of Directors, the Annual General Meeting of the said Shareholders shall be held on the first Monday in March in each year at the said City of Montreal, at such time and place as the Directors may appoint; and public notice shall be given thereof by notice inserted once at least, eight days previous to each said Meeting, in two newspapers, the one in the English, the other in the French language, published in the said City of Montreal.

Annual meetings.

Notice.

8. At such first, and at every subsequent Annual General Meeting of the said Stockholders, the said Stockholders, or a majority of them there present, either by proxy or in person, by vote, according to the said number of shares, shall choose nine persons then being Stockholders in the said Company which persons so chosen shall be the Board of Directors to manage, direct and carry on the affairs and business of the said Company for one year next following such annual meeting, or until another Board of Directors shall be appointed, and particularly such matters and things as are by this Act hereinafter directed and authorized to be done by such Directors, and as shall from time to time be ordered by such annual or other General Meetings of the said Shareholders; and shall have power to name and appoint from the Members of the said Board a President, a Vice-President and a Treasurer and Secretary; and at any Meeting of the said Board duly held, any five members of such Board shall be a quorum, and may exercise the powers of the said Board: Provided always, that such President, or Vice-President in the absence of the President, to be chosen as aforesaid, in addition to his own vote, shall have a casting vote in case of any equal division of votes at the Meetings of the aforesaid Directors: Provided always, that such Board shall, from time to time, make reports of their proceedings to, and be subject to examination and control of, the said General Meetings of the Shareholders at any such General Meetings, such orders and directions not being contrary to the provisions of this Act or to the Laws of this

Board of Directors, how and when to be chosen.

Appointment of Officers.

Proviso.

Proviso.

this

Proviso.

this Province : Provided also, that the Directors who are to be chosen at the first Meeting of the said Shareholders shall be a Board for the purposes aforesaid, until the said first Annual General Meeting, and shall have the like powers, and exercise all or any of the powers vested by this Act in the said Board to be chosen at such first or other general annual meeting :

Proviso.

Proviso.

Proviso.

Qualification
of a Director.

Provided also further, that the members of any such Board at any time going out of office may be re-elected : And provided also further, that security may be taken from any of the office bearers of the said Company for the due fulfilment of their duties : And provided also further, that any Stockholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have an equal right to hold Stock in the said Company, and to vote on the same, and to be eligible to office in the said Company ; and no person shall be qualified as Director unless he hold ten Shares of the Capital Stock of the said Company.

Failure to
hold annual
meeting not to
dissolve Com-
pany.

9. The failure to hold the first annual General Meeting, or another meeting, or to elect such Board of Directors, shall not dissolve the said Corporation ; but such failure or omission may be supplied by and at any such special meeting to be called as the said Directors may appoint for that purpose ; and until such election of a new Board, those who may be in office for the time being shall be and continue in office, and exercise all the rights and powers thereof until such new election be made as hereinbefore provided.

Duties of
Board of Di-
rectors.

10. The said Board shall have and be invested with full power and authority to conduct, manage and oversee, and transact all and singular the concerns, affairs and business of the said Company, and all matters and things whatever in any wise relating to or concerning the same, and amongst other things—

As to agents
or servants.

Firstly. To appoint and employ, and remove all such officers, engineers, surveyors, agent or agents, servant or servants, of the said Company, as they may find from time to time expedient and necessary, and to regulate the duties, and fix the salaries and wages of such agents and servants, and the necessary expenditure for the management and working of the said Company ; and such Officers, Engineers, Surveyors, Agent or Agents, Servant or Servants, shall have the right to enter on all lands whatsoever in the vicinity of the said Boulevard to enable them to make surveys ; Provided the said Company shall be responsible for all damages thereby occasioned to the owners or occupiers of such lands ;

Proviso.

Shares and
their transfer.
Proxies.

Secondly. To regulate the form of certificate of shares, and all matters relating to their transfer ; and to regulate the form of proxy to be used by shareholders, and the mode of voting

Thirdly.

Thirdly. To choose and acquire for and in the name of the said Company, the requisite lands for the construction of the Boulevard or Public Road, Public Grounds, Parks, Gardens, Squares or Ornamental Grounds, and to enter into the necessary arrangements and agreements for the construction of the same, and during, upon, and after the construction, to have the entire management and disposition thereof; to levy fines and penalties, and to fix and determine by by-law the amount of tolls to be paid for passing upon, over and through the said Road or Boulevard, provided the amount of such tolls shall in no case exceed a return of ten per cent. on the capital stock of such Company after paying all the expenses of maintenance and repairs, and if at any time such amount of tolls, after such deductions, should exceed the said ten per cent. on the capital stock, the surplus, after payment of such dividend, shall be applied to reducing the said tolls;

Acquisition of lands.

Fines and tolls.

Proviso: profits of Company limited.

Fourthly. The Company shall have the right to make and enter into deeds, bills, notes, agreements, contracts, and other documents and engagements to bind the Company, and whether by the said Directors or their agents, as may be deemed expedient; and shall have the right to borrow money, not exceeding in all at any time One Hundred Thousand dollars, at such rate of interest as may be agreed upon, to promote the purposes and interest of the Company, and the securities to be given by and to the said Company for the same, to give, make and enter into as may be required; and in the borrowing of money by way of loan, the debentures of the said Company may be in the form given in the schedule of this Act marked A, or in any other like form, and need not be passed before Notaries: Provided always, that no such Bill, Note or Debenture shall be for a less sum than One Hundred Dollars.

Company may enter into engagements, &c., and borrow money on debentures.

Proviso.

11. It shall be lawful for the Company at any annual meeting, or special general meeting convened for that purpose, to make by-laws, rules and regulations for the conduct and management of the business and affairs of the Company, and the same to alter, amend, repeal or re-enact as shall be deemed needful and proper, such by-laws not to be inconsistent with this Act, nor with the laws in force in this Province.

By-laws to be made.

12. All the by-laws, rules, regulations and ordinances enacted as aforesaid by the Shareholders for the proper conduct and management of the said company, shall be entered by the Secretary in a book to be kept for that purpose, which book shall be open at all times to the inspection of the Stockholders and interested parties, and a copy of any such entry, certified by the President and Secretary of the said Company, shall be *prima facie* evidence of such rules and regulations respectively in all Courts of Justice.

By-laws, &c., to be entered in a book.

Calls upon
stock.

13. The Directors for the time being may make calls for the stock subscribed for, in such manner and at such intervals as may be by them deemed expedient ; and the said Company may in any Court having jurisdiction in matters of simple contract to the amount demanded, sue for, recover and receive of or from any Stockholder in the said Company, the amount of any call or calls of stock and interest thereon, which such Stockholder may neglect to pay ; and in any such action it shall be sufficient to allege that the defendant is a Stockholder of the Company, and that a call or calls were made upon such stock and were not paid, and to prove by any one witness, whether in the service of the Company or not, such facts as will support the said allegations, neither alleging or proving the appointment of the Directors, or any other special matter, and without naming such Directors in the declaration or other proceedings in the case : and no person shall be disqualified from being a witness in any case for or against the said Company by reason of his being a Shareholder therein.

Proceedings
upon failure to
meet calls.

Stockholders
may be wit-
nesses.

Directors may
sell shares on
which calls
are unpaid.

14. If any call made by the Directors upon the Stockholders of the Company shall not be paid in within thirty days after it shall have become due and payable, the Directors, instead of suing for the same, may, by resolution to that effect, sell the shares on which such calls are due and unpaid, and transfer the same to the purchaser as the owner thereof might have done, and after deducting all calls due, interest and cost of sale, they shall pay over the remainder of the proceeds of the sale to the owner of the shares sold : Provided that no such sale shall be made until eight days' previous notice to the proprietor of such share or shares shall have been given, either at his domicile, or through two newspapers if such Shareholder has no domicile in the City of Montreal.

Proviso.

Liability of
Shareholders
limited.

15. Certificates of shares may from time to time be issued by the Company to persons subscribing for shares, and thereupon the rights and liabilities of Shareholders shall immediately attach in respect of such shares, and Shareholders as such shall not be held liable for any claim, engagement, loss or payment, or for any transaction, matter or thing relating to or connected with the Company, beyond the amount of their respective shares ; and such shares in the capital stock of the Company shall be deemed personal estate, and may be from time to time transferred by the owner in person or by attorney duly authorized, subject, however, to the payment of all instalments due and to become due thereon, with any interest which may have accrued, and the transferee shall thenceforth be entitled to vote at all meetings of Shareholders ; provided that no such transfer shall be valid until duly registered on the books of the Company, and no person shall be entitled to sell or transfer any share or shares until the amount of all calls for the time being, and interest, which may be due, are paid or secured to be paid to the satisfaction of the Company ; and no transfer of shares shall

Shares, how
transferred.

Proviso.

All calls must
be first paid.

shall release any of the original Shareholders from his or their liability for the payment of the amount of his share or shares, until the same shall have been fully paid.

16. The Boulevard shall be divided into four sections, as follows : Sections of Boulevard :

The first—Starting from some point on Sherbrooke Street in the vicinity of Durocher Street or the College Avenue, near the said mountain, and extending along the south-eastern slope thereof, passing the Waterworks' Reservoir and McTavish's Monument, and connecting with the road between the junction of Sherbrooke and Guy Streets and the Côte des Neiges toll gate, at such point as may be deemed advisable ; Number one.

The second—Starting from some point on the road between the junction of Sherbrooke and Guy Streets and the Côte des Neiges toll gate, and extending south and westward around the southern end of the mountain near Monklands to the turnpike road near the village of Côte des Neiges ; and also, should it be deemed advisable, connecting with the said turnpike road or the Côte St. Antoine, at some point beyond Metcalfe Terrace ; Number two.

The third—Starting from some point near the village of Côte des Neiges, and extending northward and eastward, and around the northern end of the large mountain, to connect with section first as above ; Number three.

The fourth—Starting from section first, at or near McTavish's Monument, to the top of the mountain, at or near the water pond upon the boundary between the properties of John Redpath, Esquire, and H. B. Smith, Esquire, and thence as directly as possible to connect with section third, as also from the said water pond northward and eastward upon the top of the mountain : Number four.

Provided always, that the above sections may be altered as found necessary and requisite after obtaining a particular survey of the same. Proviso : as to alterations.

17. Each Shareholder, on subscribing his share or shares in the said Company, shall have the right to designate the section of the said Boulevard upon which the amount of his subscription shall, in the first place, be applied ; and it shall be the duty of the Directors to maintain distinct accounts of the receipts and application of such subscriptions until all the sections be completed ; and in case no special application is made, then it shall be optional with the Directors to make application on such section or sections as they may see fit. Shareholders to designate section on which their subscriptions shall be first expended.

18. The Company shall have power to acquire lands for Parks, Public Grounds, Gardens, Squares or Ornamental Grounds, by agreement with the proprietor or proprietors, or Power to acquire lands ; may

may accept such lands if offered by the proprietors thereof at a valuation approved of by the Directors.

And to hold the same for certain purposes.

Deeds to the Company.

Powers with respect to exploration, draining, taking materials, &c., entry on adjoining lands.

Proviso: as to existing roads.

Proviso.

Price of land to be ascertained by ar-

19. It shall be lawful for the said Company and their successors, to acquire in the manner hereinafter provided, and to hold as their own property for ever, all or any such lands being on or about the Montreal mountain as they may require, to enable them to open and to make a Boulevard or public road not exceeding one hundred feet in width, nor more than one hundred and twenty feet at any two or more points, as may be requisite for the site of any toll house or other building to be erected by the Company; and all deeds and conveyances for lands to be conveyed to the said Company for the purposes of this Act may, in so far as the title to the said lands or the circumstances of such parties making such conveyances shall admit, be made in the form given in schedule of this Act marked B.

20. The said Company shall have full power and authority to explore and survey the grounds or the country lying upon and around the said mountain, and to designate, establish and take, appropriate, have and hold, to and for the use of them and their successors, the requisite lands upon the line of their operations, and within the limits aforesaid, according to the provisions hereinafter contained for acquiring the same; and also to cut, make, and keep in repair upon such adjoining or neighbouring lands, such ditches, drains and water courses as may be necessary for effectually draining and carrying off the water from the said road or work, and to dig, take and carry away gravel, sand, stone, earth and other like materials from any adjoining or neighbouring lands, making compensation therefor as hereinafter provided; And for the purpose aforesaid, the said Company and their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of any person or persons, body or bodies corporate or politic; and the said Company is also authorized to make ditches, drains, plats, bridges and other works on the line of the said Boulevard, or on the sides thereof; and to include in the same any portion of any existing highway, which they may deem expedient to adopt as part thereof: Provided always, that in the event of the said Company adopting any portion of any existing highway, on which tolls are charged, as part of the said Boulevard, the said Company shall make to the Trustees or Managers of such highway, such reasonable compensation for the use thereof, as may be agreed upon between the parties interested, or decided by the award of arbitrators, as hereinafter provided: Provided always, however, that no compensation shall be paid or exacted for merely crossing any such highway or public road.

21. If the owner or owners, occupier or occupiers of any lands which the Company may be desirous of acquiring for the

the purposes aforesaid, or from which materials are to be taken, shall, upon demand made by the Directors of the said Company, or the Board of management for the time being, neglect or refuse to agree upon the price or amount of damages to be paid for such land, and the appropriation thereof to the use of the said Company, or for the exercise of any such powers as aforesaid, it shall and may be lawful for the said Company to name one arbitrator, and for the owner or occupier of such land so required, or with regard to which such power is intended to be exercised as aforesaid, to name another arbitrator, and for the said two arbitrators to name a third, to arbitrate upon, adjudge and determine the amount which the said Company shall pay before taking possession of such land, or exercising such power as aforesaid; and upon such sum being ascertained, due attention being had by the arbitrators in ascertaining the same to the benefits to accrue to the party or parties receiving compensation, it shall be lawful to the said Company to tender such sum to the said party or parties claiming compensation, who shall thereupon execute a conveyance to the said Company, or such other document as may be necessary and requisite, and the said Company shall, after such tender, whether such conveyance or document be executed or not, be fully authorized to enter upon and take possession of such land to and for the uses of the said Company, and to hold the same, or to exercise such powers as aforesaid, in such and the like manner as if such conveyance thereof or other document had been executed as aforesaid; Provided always, That if such person or occupier shall neglect to name an arbitrator for the space of twenty days after having been notified so to do by the said Company, or if the said two arbitrators do not agree upon such third arbitrator within twenty days after the appointment of the second arbitrator, then upon the application of the said Company, or of the other party, a Judge of the Superior Court shall nominate the second or third arbitrator, in lieu of the one so to be appointed or named, but not appointed or agreed upon by the party or the two first named arbitrators as aforesaid, and any award made by the majority of the said arbitrators shall be as binding as if the three arbitrators had concurred in and made the same: Provided also that no portion of the said Boulevard or public Road shall be so laid out as to injure any dwelling house or other building, or through any garden or orchard enclosed or cultivated as such during the preceding two years, without the consent of the owner or occupier thereof: And provided also, that before making the said road or any portion thereof, a proper survey shall be made and a plan thereof shall be deposited in the office of the Prothonotary of the Superior Court for the District of Montreal.

Arbitration in certain cases.

Appointment of arbitrators.

Mode of estimating the amount payable by the Company.

Proviso: if either party fails to appoint an arbitrator, or the arbitrators to appoint a third.

Proviso: certain grounds not to be taken: plan to be deposited.

Proviso.

22. Whenever any lands or grounds required by the said Company for purposes aforesaid are held or owned by any person or persons, bodies politic, corporate or collegiate, whose residence may not be within this Province, or unknown

Judge of the Superior Court to appoint an arbitrator in certain cases.

to the said Company, or where the title to any such lands or grounds may be in dispute, or when the owner or owners of such lands and grounds are unable to treat with the said Company for the sale thereof, or to appoint arbitrators as aforesaid, it shall and may be lawful for the said Company to nominate one indifferent person, and for a Judge of the Superior Court residing in the District of Montreal, on the application of the said Company, to nominate and appoint one other indifferent person, who, together with one other person to be chosen by the persons so named before proceeding to business, or in the event of their disagreeing as to the choice of such other person, to be appointed by any Judge as aforesaid before the others proceed to business, shall be arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective parties entitled to receive the same, for the said lands or damages as aforesaid, and the decision of the majority of such arbitrators shall be binding; which amount so awarded the said Company shall pay or cause to be paid to the several parties entitled to the same, or invested in such a manner as to a Judge of the Superior Court shall appear most advantageous, if the said lands are only held in trust for other parties: and in any case under this Act where there shall be no Deed conveying the property in question to the Company, a Record of the award or arbitration shall be made up and signed by the said arbitrators, or a majority of them, specifying the amount awarded and the cost of such arbitration, which may be settled by the said arbitrators or a majority of them, which Record shall be registered in the Registry Office for the Registration Division of Montreal; and the expenses of any arbitration under this Act shall be paid by the said Company, and by them deducted from the amount of such award, if the Company shall, before the appointment of their arbitrator, have tendered an equal or a greater sum than that awarded by the arbitrators, and otherwise by the opposite parties; and the arbitrators shall specify in their award by which of the parties the said costs are to be paid.

Record of arbitration in certain cases, and registered.

Expenses of arbitration how paid.

Powers of arbitrators as to examination of witnesses, &c.

23. The arbitrators, or a majority of them, may in their discretion examine on oath or solemn affirmation the parties or such witnesses as shall appear before them, and may administer such oath or affirmation, but this shall not prevent the arbitrators from acting and deciding upon their personal knowledge of the merits of the case, or from using such knowledge as they shall think just and right; and any wilfully false statement made by any witness under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punished accordingly, and the arbitrators, or a majority of them as aforesaid, shall render their award within thirty days from the date of their appointment, unless the time shall be prolonged by consent of the parties.

No award invalidated for want of form.

24. No award made as aforesaid shall be invalidated by any want of form, or other technical objection, if the requirements

requirements of this Act shall have been complied with, and if the award shall state clearly the sum awarded, and the lands or other property, right, or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid be named in the award.

25. If any person or persons shall, after proceeding on the said Boulevard with any waggon, carriage, or other vehicle or animal liable to pay toll, turn off the said Boulevard into any other road, and shall enter the said Boulevard beyond any of the gate or gates without paying toll, whereby such payment shall be evaded, such person or persons shall for every such offence forfeit and pay to the said Company the sum of two dollars; and any one Justice of the Peace for the district in which the said Boulevard is situate, shall, on conviction of such offender, fine such offender in the said penalty, and shall cause the same to be levied in the manner hereinafter prescribed.

Provision in the case of persons evading payment of tolls.

Penalty.

26. If any person or persons occupying or possessing any enclosed land near any toll-house or toll-gates, or on the line of the said Boulevard, shall knowingly permit or suffer any person or persons to pass through such lands or through any gate; passage or way thereon, with any carriage or animal liable to the payment of toll, whereby such payment shall be evaded, every person or persons so offending, and also the person riding or driving any animal or carriage whereon such penalty is evaded, being thereof convicted before any one Justice as aforesaid, shall for every such offence severally incur a penalty not exceeding Four Dollars, in favor and for the use of the said Company.

Persons permitting people to pass thro' their lands to avoid payment of toll.

27. If any person shall wilfully or maliciously interrupt or hinder the said Company, their servants or agents, in the exercise of any powers conferred by this Act, or shall wilfully or maliciously injure or destroy any of the toll-gates, buildings, grounds, trees, fences, or ornaments on the said Boulevard or Public Road, Public Grounds, Parks, Gardens, Squares or Ornamental Grounds, or shall commit any nuisance, or cause any filth or noisome body to be deposited, in or about the same, such person shall be guilty of a misdemeanor, and, upon conviction thereof before any Court of competent jurisdiction, shall be punishable by fine not exceeding twenty-five pounds, or imprisonment not exceeding three months, or both, at the discretion of the Court.

Wilful hindrance, damage or injury, how punished.

28. The fines and forfeitures authorized to be summarily imposed by this Act, shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any warrant or warrants of distress for that purpose, to be issued by the Justice or Court before whom the conviction shall have been had; and in case there shall be no goods or chattels to satisfy such warrant or warrants, such offender

Levying fines and penalties by distress.

offender or offenders shall and may be committed to the Common Gaol of the District for any period not exceeding one month.

Property to be free from taxes.

29. The lands held by the Company for the said Boulevard or Public Road, Public Grounds, Parks, Gardens, Squares and Ornamental Grounds, shall be exempt from all taxes and public burdens whatever.

City Corporation may acquire the property on certain conditions.

30. If at any time the Corporation of the City of Montreal shall determine to acquire the said Boulevard or Public Road, Public Grounds, Parks, Gardens, Squares and Ornamental Grounds, or any part thereof, at any stage of their execution, it shall be lawful for the Company to sell, and the said City Corporation to purchase and hold the same, together with all the rights and privileges thereto belonging under this Act, upon such terms as may be mutually agreed upon between the Directors of the Company and the duly authorized agents of the City Council, and respectively by a general meeting of the Shareholders of the Company, and by a public meeting of the citizens, or by a poll or vote of the same, as may be determined by a By-law of the said City Council.

Tolls to be subject to approval of Governor in Council.

31. The tolls, rates and dues to be charged by the said Company, shall at all times be subject to the approval of the Governor in Council.

Interpretation.

Public Act.

32. This Act shall be a Public Act, and the word "Company" shall mean the *Montreal Mountain Boulevard Company* in this Act mentioned and described.

SCHEDULE A.

No. \$

This Debenture witnesseth that the Montreal Mountain Boulevard Company, under authority of the Statute of the Province of Canada, passed in the Session held in the twenty-first and twenty-second years of Her Majesty's Reign, intituled, (*title of this Act*), are indebted to the bearer hereof in the sum of _____ dollars, as a loan, to bear interest from the date of the issue hereof, at the rate of _____ per centum per annum, payable half-yearly, on the _____ day of _____, and on the _____ day of _____, which said sum of _____ dollars the said Company hereby bind and oblige themselves to pay on the _____ day of _____, in the year of our Lord, one thousand eight hundred and _____, to the bearer hereof, at _____, and also to pay the interest thereon half-yearly as aforesaid, to the bearer hereof, at the place aforesaid, on delivery of the coupons therefor now forming part hereof.

And

And for the due payment of the said sum of money and interest, the Company under authority of the said Statute do hereby hypothecate the real estate and appurtenances hereinafter described, that is to say: (*Here describe the property hypothecated.*)

In testimony whereof, A. B., of _____, President of the said Company, hath hereto set his signature and affixed the Common Seal of the said Company, at _____, this _____ day of _____, in the year of our Lord, one thousand eight hundred and _____.

A. B. (L. S.)

Countersigned and entered.
C. D., Secretary.

SCHEDULE B.

Know all men by these presents, that I, (*or we, as the case may be*), A. B., of _____, in consideration of _____ paid to me (*or us*) by the Montreal Mountain Boulevard Company, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, convey and confirm unto the said Company all that tract or parcel (*or those tracts or parcels, as the case may be*) of land situate (*here describe the lands*) the same having been selected and laid out by the said Company for the purposes of their Boulevard or Road, to have and to hold the said lands and premises with all appurtenances thereto, to the said Company, their successors and assigns for ever. (*Here add clause for release of dower, if any.*)

Witness my hand and seal (*or our hands and seals, as the case may be*) this _____ day of _____, in the year of our Lord, one thousand eight hundred and _____.

Signed, sealed and delivered
in presence of

L. M.
N. O.

A. B. (L. S.)

C A P . X X .

An Act to make valid a certain conveyance of Land to the *Freelton Flour Manufacturing Company*, and to enable them to convey and rent the same.

[Assented to 30th June, 1858.]

WHEREAS the *Freelton Flour Manufacturing Company*, Prémabule. a body corporate, formed under the provisions of the Act passed in the session held in the thirteenth and fourteenth years 13, 14 V. c. 28. of

of Her Majesty's Reign, and chaptered twenty-eight, have by their petition represented, that on or about the nineteenth day of May, one thousand eight hundred and fifty-six, they purchased from one Patrick Freel, certain lands in the Township of West Flamborough, in the County of Wentworth, being composed of Village Lot number one hundred and twenty-seven, as laid down on the plan of the said Village of Freelton, in the said Township, as surveyed by one James McIntosh, a Deputy Provincial Land Surveyor, for the said Patrick Freel, and containing, by admeasurement, one acre, be the same more or less; And whereas the said Company have erected and put in full operation upon the said lot an extensive stone Flouring Mill, which they are desirous of being enabled to sell and convey, or rent and demise, and it being doubtful if the said Company had the power of acquiring by purchase or of holding the said property in fee, or of leasing, demising or renting the same, and it being just and expedient to grant the prayer of the said petition, and to declare the said purchase from the said Patrick Freel valid in law, and to enable the said Company to sell and convey, mortgage or to demise and rent the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Conveyance to the Company confirmed.

1. The sale and conveyance of the hereinbefore mentioned lot of land from the said Patrick Freel to the said Freelton Flour Manufacturing Company, shall be held and taken to have been and to be good and valid in law, subject to any legal incumbrance by mortgage or otherwise, which at the time of the conveyance of the said land, existed thereupon for good and legal consideration.

Company may sell, mortgage or demise the said land.

2. It shall and may be lawful for the said Freelton Flour Manufacturing Company to bargain, sell, convey and mortgage the said land and premises, notwithstanding any provision in the Act recited in the Preamble to this Act; and further, it shall and may be lawful for the said Company to lease, demise, rent or otherwise dispose of the same, subject as aforesaid to any mortgage, charge, or other incumbrance as aforesaid.

Public Act.

3. This Act shall be deemed a Public Act.

C A P . X X I .

An Act to incorporate certain persons under the name of the "Quebec Warehouse Company."

[Assented to 30th June, 1858.]

Preamble.

WHEREAS it is desirable for the benefit of this Province generally, and especially for the shipping interest, that additional facilities be afforded in the harbor of Quebec for the mooring, sheltering, loading and unloading, of vessels; and whereas

whereas the persons hereinafter mentioned have, by petition, prayed to be incorporated for the purpose of creating such additional harbor accommodation, and for other purposes hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Henry Burstall, James Tibbits, William Rhodes, Edward Burstall, Hypolite Dubord, James Bell Forsyth, Joseph Bell Forsyth, A. Davidson Bell, and every such person or persons, body and bodies politic and corporate, as shall, under the authority of this Act, be associated with them and their several and respective successors, executors, administrators and assigns, as stockholders in the corporation hereby created, shall be a body politic and corporate by the name of the "Quebec Warehouse Company," and by that name shall and may have perpetual succession, and a common seal, with power to break and alter the same, and by that name shall and may sue and be sued, implead and be impleaded, in all Courts of Law and Equity in the Province; and the said corporation shall have their principal place of business within the limits hereinafter mentioned, but may open such office or offices at such place, either in this Province or elsewhere, as may be found necessary or convenient for the purpose of their business.

Names of persons incorporated.

Corporate name and powers.

Common Seal.

Places of business.

2. The said Company is hereby authorized and empowered, at its own costs and charges, to construct a harbor, wharf or wharves, with a wet-dock, dry-dock, marine railway, railway sidings, turn-tables, and stations regulated for the loading, discharging, and sheltering of all vessels, shipping, and craft, propelled by steam or otherwise, on the south shore of the river St. Lawrence, in the harbor of Quebec, at the place called "St. Charles' Cove," which said harbor, wharf or wharves, and docks, shall be accessible to, and safe and commodious for, the reception of such sail, steam or other vessels as now navigate this country, and also to erect and build such necessary moles, piers, breakwaters, wharves and booms, or other erections or constructions whatever, as shall be useful or proper for the purposes aforesaid, and the protection of the harbor, wharves, docks or booms, for the accommodation and convenience of vessels entering; lying, loading or unloading, repairing or fitting up in the same; and to alter and amend, and repair and enlarge the harbor, wharf or wharves, docks, railways and railway sidings as aforesaid, as may from time to time be found necessary or expedient, and also to erect and build sheds, stores and warehouses, for the reception and storage of goods, wares, and merchandize, free of duty, or in bond, or otherwise.

Purposes for which Company is incorporated.

3. It shall be lawful for the said corporation, from time to time, to purchase, and to have and hold, such lands and tenements, and real and immoveable property, as may be necessary for

Corporations may hold real property purchased from.

private individuals to extent of £100,000 ;
And dispose thereof.

Buying and selling stock in certain companies.

Making advances on goods consigned to the company.

Transferable receipts for goods.

Until the election of Directors, the affairs of the Company to be managed by Trustees.

First meeting for election of Directors.

Annual elections.

for carrying on the business of the said corporation, provided the portion of the capital of the company appropriated to the purchase of real property, does not at any time exceed one hundred thousand pounds ; and it shall be lawful for the said corporation to sell, lease, or otherwise dispose of the said property and estate, from time to time, as they may see fit.

4. It shall be lawful for the said corporation to purchase and hold stock or shares in any railway company, or in any incorporated company for the holding of steam or other vessels navigating the ocean, or the inland waters of this continent, and the same to sell or dispose of as they may think fit ; and from time to time to make advances on goods stored in the stores or warehouses of the said corporation ; to receive, take, and hold security or securities of any kind, or nature, for such advances, and for any debt or debts which may at any time become due to the said corporation ; and to charge such a commission on such advances as may be agreed on ; for which advances and commissions the said corporation shall have a lien upon such goods, and power to sell the same if such advances and commissions are not repaid according to the agreements made in respect thereto ; And it shall also be lawful for the said corporation to issue certificates of goods received, or warehouse receipts therefor, on the production of which by the holder thereof, and on compliance by him with the terms thereof, the said corporation shall be compellable to deliver such goods, and not otherwise ; and such warehouse receipts shall be transferable by endorsement, either special or in blank ; and such endorsement shall transfer all right of property and possession of such goods to the endorsee or holder of such warehouse receipt, as fully and completely as if a sale and delivery of the goods mentioned therein had been made in the ordinary way ; and on delivery of such goods by the said corporation, in good faith, to a person in possession of such warehouse receipt, the said corporation shall be free from all further liability in respect thereof.

5. The stock, real estate, property, affairs and concerns of the said Company shall, until the election of Directors, as hereinafter mentioned, be vested in Henry Burstall and William Rhodes, as Trustees of the said Company, until the first election of Directors thereof, with power to such Trustees to open books for the subscription of stock therein, and generally to exercise the usual functions of provisional Directors until such first election, and such first election of Directors shall be made at a general meeting of the Stockholders of the said Company to be held for that purpose at the City of Quebec, within sixty days after one fifth of the capital stock of the said company shall have been subscribed for, and after such notice thereof shall have been given as is hereinafter required for special general meetings of Stockholders in the said Company : and at such meeting five Directors shall be elected to hold office until the first Wednesday in the month of March then next following ; and after such first election,

election; the stock, real estate, property, affairs and concerns of the said Company shall be managed and conducted by five Directors to be annually elected by the Stockholders at a meeting of the Stockholders to be held for that purpose, on the first Wednesday of the said month of March, in each year; notice of which annual meeting shall be given at least sixty days previous to the day fixed for holding the same, in the manner hereinafter mentioned; and no person shall be a Director of the said Company unless he be the proprietor of at least ten shares of stock therein.

Notice of meetings for election.

6. Such Meeting shall be held, and the said election made, by such of the Stockholders of the said Company as shall attend for that purpose, in their own proper person or by proxy; and all elections for such Directors shall be by ballot, and the five persons who shall have the greatest number of votes at any such election, shall be Directors, and if it shall happen at any such election that two or more persons shall have an equal number of votes, in such manner that a greater number of persons than five shall, by a majority of votes, appear to be chosen Directors, then the said Stockholders hereinbefore authorized to hold such election, shall proceed to ascertain by ballot, which of the said persons so having an equal number of votes shall be a Director or Directors, to complete the whole number of five; and if any vacancy shall at any time happen among the Directors by death, resignation or otherwise, such vacancy shall be filled, for the remainder of the year in which it may happen, and until the then next annual meeting for the election of Directors, by a person to be elected by the Stockholders in manner aforesaid, at a special general meeting thereof duly called for that purpose.

Mode of election.

To be made by ballot.

Vacancies in direction, how filled up.

7. In case it shall at any time happen that an election of Directors shall not be made on any day, when, pursuant to this Act, it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful, on any subsequent day, to make and hold an election of Directors in such manner as shall have been regulated by the By-laws of the said Corporation; and the previous Directors shall, in every case, hold office until the election of their successors.

Failure to elect Directors on days appointed, not to operate dissolution of Company.

8. Special general meetings of the Stockholders may be convened on the requisition of any two Directors, or of a Shareholder or Stockholder possessing fifty shares of the stock of the said Corporation, after sixty days' notice of such Meeting; and such notice, and notice of the annual meetings of the said Corporation, shall be held to be validly given if inserted three times as an advertisement, in any two newspapers published in the City of Quebec; the first of which insertions shall be at least sixty days previous to the day fixed for such meeting.

Special meetings when and how to be called.

The Directors to make By-laws and for what purposes.

9. The Directors for the time being, or the major part of them, shall, from time to time, have power to make such By-laws, rules and regulations, as to them shall appear needful and proper, for the purposes of this Act, to wit :

Government of the Corporation, and its property.

For the direction, conduct and government of the said Corporation, and of its property, real and personal, and its improvement and regulation throughout the year ;

For the preventing injury thereto.

For the preventing injury thereto and encroachments and incumbrances thereon, and the removal of the same ;

Appointment and removal of clerks and servants.

For the appointment, regulation and removal of the officers, clerks and servants of the said Corporation, and the election and remuneration of the Directors thereof ;

Penalties.

For the imposition of penalties, not exceeding five pounds currency, for any breach of the said By-laws, or of the provisions of this Act ;

Transfer of shares.

For regulating the transfer of shares in the capital stock of the said Company ;

Contracts with the Company.

For regulating the mode in which all contracts to be entered into by the said Corporation, of whatever nature, may be executed on behalf of the said Corporation ;

General purposes.

And finally, for the doing of every thing necessary to carry out the provisions of this Act according to their intent and spirit : Provided always, that such By-laws shall have no force or effect until sanctioned by a majority of Stockholders present in person or by proxy at any annual or other general meeting ; and a certificate purporting to be signed by the Secretary of the said Corporation, and under the Seal of the said Company, shall be *prima facie* evidence of such By-laws, and of their having been sanctioned and posted up as herein required, in all or any Courts of Justice in this Province.

Proviso : By-laws to be sanctioned by Shareholders.

Copies of By-laws to be posted up on Works, &c.

10. Printed copies of such By-laws, certified by the Secretary, shall be posted up in a conspicuous position in the offices of the said Corporation, and until they have been so posted up, such By-laws shall have no force or effect whatever.

The president to be elected.

11. It shall be lawful for the Directors to elect one of their members to be President of the said Corporation, and to appoint such officers, managers, clerks and servants, with such emoluments as they may see fit, and in their discretion to take such security from such officers, managers, clerks and servants, or any of them, as the said Directors may deem necessary.

Security to be given by Officers.

Further powers of Directors.

12. The said Directors may make any payments and enter into any contracts for the purposes of the said Corporation, and for

for all matters necessary for the transaction of its affairs; may generally deal with, treat, purchase, loan, sell, mortgage, let, release and dispose of, and exercise all acts of ownership over the lands, tenements, property and effects of the said Corporation; may institute and defend, in the name of the said Corporation, all suits at law; may from time to time displace the officers, agents, clerks and servants of the said Corporation, except as hereinafter provided; and shall have power to collect and receive all charges subject to which goods or commodities may come into their possession; and on payment of such back charges, shall have the same lien for the amount thereof, upon such goods or commodities, as the persons to whom such charges were originally due, had upon such goods or commodities while in their possession; and shall and may have power to do all things whatever which may be requisite or necessary to carry out the objects of the Corporation.

Actions generally.
Dismissing Officers.
Collection of Charges, dues, &c., on goods.

13. It shall be the duty of the Directors to make annual dividends of so much of the profits of the said company as to them, or a majority of them, may seem advisable; and once in each year an exact and particular statement shall be rendered by them of the state of the affairs, debts, credits, profits, and losses of the said Corporation, and such statements shall appear on the books, and be opened for the perusal of any stockholder upon request, at least one month before the annual meeting of the said company.

Declaring dividends annually, and statement of accounts.

14. It shall and may be lawful for the said Corporation to levy upon all vessels or rafts entering, departing from, or being anchored or otherwise moored, fastened, or lying within the limits of the property of the company, and upon all goods landed or shipped, carried or deposited, or stored therein, such wharfage, and such storage rates, and such other rates and tolls, not exceeding those limited in the Schedule hereunto annexed, as the Directors may, from time to time, fix and establish, as hereinafter provided, and the said rates and dues shall be levied as follows:

Power to levy rates upon vessels.

1. On sea-going vessels: The tonnage dues, or moorage rates thereon, shall be levied from the master or person in charge thereof, and the wharfage rates on goods landed or shipped, shall be levied from the consignee, shipper, owner, or agent thereof;

By whom payable on sea-going vessels.

2. On all other vessels: The tonnage dues thereon, as well as the wharfage rates upon the cargo, shall be paid by the master or person in charge thereof, saving to him such course as he may have by law against any other person for the recovery of the sums so paid; Provided however, that it shall be lawful for the said Corporation to demand and recover the said wharfage rates from the owners, consignees, or agents of ships, or shippers of cargoes, if they

On other vessels.

Proviso may be recovered from owners or consignees.

see

Unclaimed goods how to be dealt with.

see fit to do so; and in the event of goods lying unclaimed on the wharves, or in the warehouses of the said Corporation, for a period of ninety days, such goods may be sold by public auction after three weekly advertisements thereof shall have been published in any newspaper in the City of Quebec, and the said Corporation shall account for the proceeds thereof to the owner thereof on demand, first deducting all their lawful charges thereon; and if such goods be of a perishable nature, they may be sold within a shorter period, provided cause for such sale be shown by affidavit before any Justice of the Peace for the District of Quebec, and an order for such sale procured from such Justice, who is hereby authorized to grant the same.

Companies may levy tolls and rates not exceeding those in the Schedule.

15. It shall be lawful for the Directors, from time to time, to ask, demand and receive, from all owners or masters of vessels, or persons in charge thereof, from owners, consignees, or agents of all rafts, wares, goods or other merchandize, rates, tolls, dues, and duties for moorages of rafts, vessels, or boats, propelled by steam, sail or otherwise, which may from time to time enter or depart from the said harbor, within the said limits, or which may be lying or anchored, or otherwise moored or fastened therein, and upon all goods, wares and merchandize landed, shipped, carried or deposited or stored therein, not exceeding those limited in the schedule hereunto annexed.

Seizure of vessels and goods for non-payment of dues.

16. In case of non-payment of said dues or tolls or part thereof, or any other charge which, under this Act, the said Corporation may lawfully make, it shall be lawful for the said Corporation to seize forthwith before judgment, any vessel or goods whatsoever upon which such dues or other charges may be owing, and to detain the same at the risk, cost and charges of the owner, until the sum due and the charges incurred for the seizure and detention of the same be paid in full; and in the event of such rates, dues or other charges remaining due for forty days after such seizure, such vessel or goods may be sold by the said Corporation by public auction, after the publication in any newspaper in the said City of Quebec, of three weekly advertisements of such sale; and the said Corporation shall thereafter, on demand, account to the owner of such vessel or goods for the proceeds of such sale, first deducting the rates or tolls due, and all their other legal charges.

Sale of vessel or goods, if tolls are not paid.

Masters of vessels required to make certain reports.

17. It shall be lawful for the said Corporation to require from the master or person in charge of every vessel in the said harbour, a report in writing signed and certified by him, of his vessel's cargo inwards and her draft of water, such report to be made before he shall break bulk; also, of her outward cargo and draft of water before his vessel shall leave the harbour, and such other particulars as may be necessary to carry out the provisions

provisions of this Act; and in case of refusal or neglect to make such reports or any of them, it shall be lawful for the said Corporation to seize and detain such vessel at the risk, cost and charges of the master, owner, or person in charge thereof, until the aforesaid requirements are complied with; Provided always, that nothing herein contained shall prevent the said Corporation from making such mutual agreement with the masters, owners or agents of steamboats or other vessels, with respect to making such reports, and with respect to the payment of all harbour and other dues as may be considered expedient: And provided also, that nothing herein contained shall be construed to prevent the said Corporation from commuting with such masters, owners or agents of steamboats or other vessels, for all rates or dues accruing thereon, on such terms and conditions, and for such sum or sums of money, and for such periods, as to the said Corporation may seem fit and expedient.

Proviso: Corporation may agree with masters of steamboats, &c.

Proviso: for further agreement.

18. If any injury shall be done to any of the wharves, piers or other works in the said harbour, constructed or to be constructed, by any vessel, or by the carelessness or wantonness of the crew thereof, while in the execution of their duty, or of the orders of their superior officers, it shall be lawful for the said Corporation to seize such vessel and detain her until the injury so done shall have been repaired by the master or crew; or until security shall have been given by the said master to pay such amount for the injury and costs, as may be awarded in any suit which may be brought against him for the same; and he is hereby declared to be liable to the said Corporation for any such injury.

Vessels may be seized for injury done to wharves, &c.

19. All dues and penalties imposed by this Act, or by any By-law made under the authority thereof, and all rates, tolls and dues authorized to be levied under and by virtue of this Act, may be recovered by civil action or proceeding at the suit of the said Corporation, before any Court of competent jurisdiction.

Recovery of Harbour dues and penalties.

20. The seizure of any raft or vessel which, under and by virtue of this Act, the said Corporation may make for the purpose of enforcing the provisions thereof, may be effected upon the order of any magistrate for the District of Quebec, which order such Magistrate is hereby authorized and required to give upon the application of the said Corporation, or its authorized agent, on the institution of any action before such Magistrate for any cause rendering such raft or vessel liable to seizure, and on the affidavit of any one credible person that the cause of such action alleged in the declaration, complaint or information, before such Magistrate, is well founded in fact; and such order may and shall be executed by any constable, bailiff or other person whom the said Corporation may choose to entrust with the execution thereof; and the said constable, bailiff or other person is hereby authorized and empowered to take all necessary means, and to demand all necessary aid, to enable him to execute the same.

Magistrate required to give an order for seizure of vessels, &c., when so requested by the Company or its agent.

Capital Stock
of Company.

21. The Capital Stock of the Company shall be one hundred thousand pounds, current money of this Province, to be held in one thousand shares of one hundred pounds each; and the shares of the said Capital Stock shall be transferable upon the books of the said Company, in such manner and subject to such restrictions as shall be fixed by the By-laws of the said Company; Provided always, that no person to whom shall be allotted any stock in the said Corporation, shall be exempted from liability to the creditors thereof, or from payment of any calls thereon, by reason of any transfer which he may make of such stock, until the whole amount of the stock so allotted to him be paid in full by the holder thereof; and the stock of the said Company shall be deemed moveable personal estate, notwithstanding the conversion of the funds, or any part thereof, into real estate.

Proviso: liability of Shareholders until Stock is paid up.

In certain cases, Directors to have powers to issue paid up Stock.

22. The Directors shall have power to issue paid up stock in the said Company, in payment of the price of real estate acquired for the purposes of this Act; and such paid up stock shall be free from all calls whatsoever, and from all claims and demands on the part of the said Company, or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the said Company and paid by the holder thereof in full.

Per centage payable on subscribing: A notice of sixty days on calls upon Stock to be given.

23. Every person subscribing for shares of the Capital Stock of the said Company, shall, at the time of such subscription, pay to the Treasurer or to such other person as may be appointed by the said Trustees, or by the Directors, to receive the same, the sum of five pounds currency per share on account of such subscription, without which payment such subscription shall not be valid; and subsequent calls upon the capital stock of the said Company may be made, from time to time, by the Directors for the time being; of which calls, sixty days' notice shall be given to the Stockholders, by an advertisement inserted three times in some newspaper published in the said City of Quebec: Provided always, that no such call upon the amount subscribed for shall be made within fifteen days of any previous call, nor exceed ten per centum on the whole capital, nor become payable in less than sixty days after notice thereof has been given; Provided also, that the said Directors shall not commence the construction of the said Harbour, Wharves, Docks or Railway, until ten per centum upon the capital stock of the said Company shall have been paid in.

Proviso: calls to be made within fifteen days apart, &c.

Proviso: when the work may be commenced.

Shareholders refusing any calls upon Stock, to forfeit calls previously paid.

24. If any Stockholder shall neglect or refuse to pay any such call or calls as shall be lawfully made as aforesaid, upon any shares, such Stockholder so refusing or neglecting shall forfeit such shares, with any amount which shall have been previously paid thereon, and the said shares may be sold by the said Directors; and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied

applied in like manner as other moneys of the said Company ;
 Provided always, that the purchaser shall pay the said Com-
 pany the amount of the calls due thereon, in addition to the
 price of the shares so purchased by him, immediately after the
 sale, and before he shall be entitled to the certificate of the
 transfer of such shares so purchased as aforesaid ; and shall
 hold the shares so purchased, subject to all future calls thereon ;
 Provided also, that sixty days' notice of the sale of such for-
 feited shares shall be given, in the same manner as is herein
 before provided for notice of calls, and that the instalments due
 and the costs incurred in advertising the sale, may be received
 in redemption of any such forfeited shares, at any time before
 the day appointed for the sale thereof ; And provided also, that
 nothing herein contained shall prevent the said Company from
 proceeding against any defaulter before any Court of Justice
 having cognizance thereof, to compel the payment of any call
 or calls in arrear, if they should see fit to do so.

Proviso : pur-
 chaser to pay
 the Company
 the amount
 due them, in
 addition to the
 price of the
 shares.

Sixty days'
 notice of the
 forfeiture to
 be given.

Proviso.

25. It shall be lawful for the said Corporation, from time
 to time, to borrow either in this Province or elsewhere, from any
 person or persons, or Company willing to lend the same, all such
 sum or sums of money not exceeding in all, at any one time, one
 half the paid up capital stock of the said Company, as they may
 find expedient ; and to make the bonds, debentures or other
 securities they shall grant for the sums so borrowed, payable
 either in currency or in sterling, and in sums not less
 than one hundred pounds, with interest, and at such place
 or places within or without this Province, as they may deem
 advisable, and such bonds, debentures or other securities may
 be made payable to bearer, or transferable by simple endorse-
 ment, or otherwise, and such bonds or debentures shall, upon
 enregistration in the Registry office of the County wherein
 the said harbour and works are situate, constitute and be a
 mortgage and hypothèque, ranking according to the date of
 such enregistration, by special privilege, upon all the property,
 real and personal, of the said Company, including the revenues,
 rates, tolls, dues and duties thereof.

The Company
 to have power
 to borrow any
 sums or sums
 of money not
 exceeding at
 one time one
 half the paid
 up Stock.

26. At all meetings of the stockholders held in pursuance of
 this Act, whether the same be annual or special, every Stock-
 holder shall be entitled to as many votes as he shall have shares
 in the said stock, and such vote or votes may be given in per-
 son or by proxy ; and all questions proposed or submitted for
 the consideration of the said meetings, shall be finally deter-
 mined by the majority of the votes of the stockholders present,
 in person or by proxy, except in any case or cases otherwise
 provided for by this Act ; and provided also, that no person shall
 be entitled to vote as proxy at any meeting, unless he shall be
 a Stockholder in the said Corporation, and produce written
 authority as such proxy.

Proportion
 of votes to
 shares.

Votes by
 proxy.

Majority to
 decide.

Proviso.

Beyond what extent Stockholders shall not be liable.

27. No Stockholder in the said Corporation shall be in any manner whatsoever, liable for or charged with the payment of any debt or demand due by the said Corporation beyond the amount remaining unpaid of his, her or their subscribed share or shares in the capital stock of the said Corporation.

Issue of new Stock, in certain shares, in case of increase of Stock.

28. If at any future period the said sum of one hundred thousand pounds shall be found insufficient for the purposes of this Act, it shall be lawful for the said Company to increase their capital stock by a further sum not exceeding two hundred and fifty thousand pounds currency, subscribed either among themselves or by the admission of new Stockholders, such new stock being divided into shares of one hundred pounds each; Provided always, that such increase of stock be decided upon and ordered by a majority of the Stockholders in value in the said company, present in person or by proxy, at a meeting held for the purpose.

Proviso.

Interpretation of clause.

29. All words herein, importing the singular number, or the masculine gender only, shall extend to more than one person, party or thing, and to females as well as males; and the word "Stockholders" shall include the heirs, executors, administrators, curators, legatees or assigns of the said Stockholders, or any other party having the legal possession of any share whatever in his own name, or that of any other, unless the context shall be inconsistent with such construction; and whenever power is by this Act given to do any thing, power shall be intended also to do all things which may be necessary to the doing of such things; and generally, all words and clauses herein shall receive such liberal and fair construction as will best answer the carrying into effect of this Act, according to its true intent and spirit: the words, "By-laws," "vessels," "goods," and "dues," in the provisions of this Act, shall severally be construed to mean, and shall mean as follows: The word "By-laws" shall include and mean all By-laws, rules, orders and regulations made by the said Corporation; the words "vessel" or "vessels" shall mean and include all ships, vessels, boats, barges, steam-boats, scows, rafts and floating craft whatsoever; the word "goods" shall mean and include all merchandize, produce, animals, articles and things whatsoever landed from a vessel, or deposited on the wharves for the purpose of being shipped or otherwise; the word "dues" shall mean and include all rates, duties and dues whatsoever imposed under this Act.

This Act not to affect the rights of Her Majesty, &c.

30. Nothing herein contained shall affect or be construed to affect in any manner or way whatever, the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, except such only as are herein specially mentioned and affected.

Public Act.

31. This Act shall be deemed a Public Act.

SCHEDULE
Of Tolls and charges authorized by this Act :
FOR MOORING.

Vessels under 100 tons, - - - - -	per day,	2s. 6d.	per 100 tons.
“ “ 200 “ - - - - -	do.	2s. 0d.	“ 100 “
“ over 200 “ and under 700 tons	do.	1s. 6d.	“ 100 “
“ 700 tons and upwards, - - - - -	do.	1s. 3d.	“ 100 “
Steamboats and Propellers, - - - - -	do.	5s. 0d.	“ 100 “
Ocean Steamers, - - - - -	do.	2s. 6d.	“ 100 “

FOR DISCHARGING AND LOADING.

BY STEAM CRANE OR OTHER MACHINERY.	Discharging at Wharf.		Loading from Wharf.		Wharfage, that is, use of Wharf while Goods are being landed or loaded.	Discharging or loading, to in- clude Wharfage and Moorage of Vessel and all expenses.		
	s.	d.	s.	d.		s.	d.	
Flour or other produce reduced to weight of Flour, per barrel	0	1	0	1	0	0 ¹ / ₂	0	3
Grain, Salt, &c., per bushel.	0	0 ¹ / ₂	0	0 ¹ / ₂	0	0 ¹ / ₂	0	1
Merchandise and other Goods, per ton of 2,000 lbs.	1	3	1	3	0	6	2	6

FOR FORWARDING.

To include one month's Storage, effecting Insurance when ordered, Cartages, Receiving and Delivering, passing Custom House Entries, Securing Freights, Shipping by Steam Crane, forwarding Shipping Documents, Cooperage, Marking, &c., &c.

Flour and produce reduced to weight of Flour, per barrel, - -	£0	0	9
Grain, Salt, &c., per bushel, - - - - -	0	0	2 ¹ / ₂
Merchandise and other Goods, per ton, of 2,000 lbs., - - - -	0	7	6

FOR WAREHOUSING.

IN WAREHOUSE.	First Month.		Succeeding Months.	
	s.	d.	s.	d.
Flour and Meal, per barrel.	0	2	0	1
Pork and Beef, per barrel.	0	3	0	1 ¹ / ₄
Ashes, per barrel	0	4	0	2
Butter, Lard, per keg.	0	1 ¹ / ₂	0	0 ¹ / ₂
Grain, per bushel.	0	1 ¹ / ₂	0	0 ¹ / ₂
Salt, per bushel.	0	1 ¹ / ₂	0	0 ¹ / ₂
Liquors, Wines and Oils, per 100 gallons	2	6	0	6
Iron, per ton of 2,000 lbs.	7	6	1	8
Merchandise and other goods, per ton of 2,000 lbs.	5	0	1	8

IN OPEN SHEDS.				
	s.	d.	s.	d.
Coals and Coke, per chaldron.	1	3	0	2
Pig Iron and Iron Rails, per ton of 2,000 lbs.	3	6	1	0
Bricks, per Mille.	1	6	1	6

BOOMAGE AND STORAGE OF TIMBER.

RECEIVING.	For Landing.		For Piling.	
	s.	d.	s.	d.
Staves—Standard, per Mille	10	0	10	0
“ West India, per Mille	3	4	3	4
“ Barrel, per Mille	2	6	2	6
Deals—per stand. hrd.	2	6	2	6
Lathwood—per Cord	2	0	2	0
Oars and Handspikes, per 100 pieces.....	3	9	3	9

DELIVERING.	From the Bank.		From the Crib.	
	s.	d.	s.	d.
Hardwood, per Ton	2	0	1	6
Pine—Red, per Ton	1	8	1	3
“ White, per Ton	1	3	1	0
Deals, per stand. hrd.	6	9	5	0
Staves—Standard, per Mille	21	0	16	6
“ West India, per Mille	7	0	5	0
“ Barrel, per Mille.....	5	0	4	0
Lathwood, per Cord	3	0	3	0
Oars and Handspikes, per 100 pieces	8	9	8	9

TIMBER WHEN IN RAFT OR HALF RAFT.

	First Month.	Second Month.	Third Month.	Fourth Month.	Fifth Month.	Sixth Month.
Hard Wood, per 1,000 feet.	1/4	1/4	1/4	2/4	3/4	Full Tariff Rates.
Pine, Red, “ “	1/4	1/4	1/4	2/4	3/4	
“ White, “ “	1/4	1/4	1/4	2/4	3/4	

N. B.—When Rafts remain in after the 1st day of December, they will become subject to Ground Rent, and the full Tariff Scale will apply to them when delivered.

GROUND RENTS.

Timber in Raft, - - - - -	Hardwood.	Pine.
“ Moulinette, - - - - -	9d. per Ton.	6d. per Ton.
Staves, Standard, per Mille. - - - - -	6d. “ “	4d. “ “
“ West India, per Mille. - - - - -		8s. 9d.
“ Barrel, per Mille. - - - - -		3s. 0d.
Deals, per stand. hrd. - - - - -		2s. 0d.
Lathwood, per Cord, - - - - -		2s. 0d.
Oars and Handspikes, per 100 pieces - - - - -		1s. 6d.
		2s. 0d.

N. B.—These charges will be due and payable on the 1st day of December of each year.

CAP. XXII.

An Act to incorporate the St. James' Club of Montreal.

[Assented to 30th June, 1858.]

WHEREAS an Association of persons hath existed since Preamble
the month of May, one thousand eight hundred and
fifty-seven, in the City of Montreal, in Lower Canada, under
the name of the "St. James' Club of Montreal;" And whereas
the persons composing such Association have by their Petition
prayed that the said Association may be incorporated, and it is
expedient to grant their prayer: Therefore, Her Majesty, by
and with the advice and consent of the Legislative Council and
Assembly of Canada, enacts as follows :

1. The Honorable Peter McGill, the Honorable George Moffatt, the Honorable John Young, Sir William E. Logan, Knight, T. B. Anderson, H. W. Austin, J. C. Baker, Louis Beaudry, Strachan Bethune, John Boston, the Honorable Joseph Bourret, Tancrede Bouthillier, W. H. Bréhaut, John Brooke, H. A. Budden, Thomas Evans Blackwell, Alexander Campbell, John Carter, Robert Cassels, Henry Chapman, Alexander Clerk, J. B. A. Couillard, Thomas Cramp, W. B. Cumming, William Cunningham, C. J. Cusack, M. E. David, William Edmonstone, Herbert Elwell, Alexander McKenzie Forbes, E. S. Freer, George H. Frothingham, John Glennon, John Millar Grant, R. H. Hamilton, Theodore Hart, Augustus Heward, J. H. Joseph, Jesse Joseph, Thomas Kay, A. Kierzkowski, David Kinnear, Godfroi La Flamme, Rodolphe La Flamme, Guillaume La Mothe, W. B. Lambe, James Law, Robert Leckie, B. H. Le Moine, E. S. Leslie, Patrick Leslie, R. L. MacDonell, Doctor in Medicine, D. Lorn MacDougall, H. Lorn MacDougall, Henry McKay, J. G. Mackenzie, J. W. A. R. Masson, George Morgan Millar, James Mitchell, John Mitchell, Ogilvy Moffatt, George Moffatt, the younger, Alexander Molson, S. C. Monk, S. W. Monk, Robert Muir, William Murray, John Ogilvy, John Ostell, Turton Penn, O. Perrault de Linière, Edward Alexander Prentice, John Pratt, Lieut. Col. Pritchard, John Redpath, C. D. Roy, Euclide Roy, R. A. Rudiger, Francis Rufford, Thomas Ryan, William Sache, G. W. Simpson, Harrison Stephens, Romeo H. Stephens, Henry Thomas, David Torrance, R. S. Tylee, Joseph Walker, N. S. Whitney, D. Russ Wood, William Workman, Thomas Workman, Esquires, and such other persons as now are or hereafter shall become members of the said Association, shall be and are hereby declared to be a body politic and corporate in deed, and in name, by the name of the "St. James' Club of Montreal," and by that name shall have perpetual succession and a Common Seal, and shall have power from time to time to alter, renew, or change such Common Seal, at their pleasure; and shall by the same name from time to time, and at all

Certain persons incorporated.

Corporate name and powers.

Real property limited.

By-laws of the present association to be those of the Corporation.

Proviso: as to alteration.

Transfer of property of the association to the Corporation.

Liability of Members.

Public Act.

all times hereafter, be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive, to them and their successors, to and for the actual occupation of the said Corporation, any lands, tenements and hereditaments, and real and immoveable property and estate, situate, lying and being within the said City of Montreal, and the same to sell, alienate and dispose of, whensoever the said Corporation may deem it proper so to do; and by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, in any manner whatsoever; and the Constitution, Rules and Regulations now in force, touching the admission and expulsion of members, and the management and conduct generally of the affairs and concerns of the said Association, in so far as they may not be inconsistent with the laws of this Province, shall be the Constitution, Rules and Regulations of the said Corporation; Provided always that the said Corporation may from time to time alter, repeal and change such Constitution, Rules and Regulations, in the manner provided by the Constitution, Rules and Regulations of the said Corporation.

2. All property and effects now owned by or held in trust for the said Association are hereby vested in the said Corporation, and shall be applied solely to the maintenance of the said Corporation.

3. Members of the said Corporation shall be liable for the debts thereof, as if the Association was unincorporated, but they shall not be sued except after *discussion* first had of the property and effects of the said Corporation.

4. This Act shall be deemed a Public Act.

C A P . X X I I I .

An Act to authorize Henry Ruttan to surrender certain grants of Letters Patent, and to take a substitutional grant.

[Assented to 30th June, 1858.]

Preamble.

WHEREAS Henry Ruttan, of Cobourg, in the County of Northumberland, hath by his petition set forth, that he has, since the year 1845, taken out several patents for improvements, in the ventilation and warming of buildings, vessels, railroad cars and other apartments, and that the said patents, from the vagueness of the specifications and uncertainty of the claims, have become inoperative,—and that he has by means of much study and labor for a period of thirteen years and upwards, and the expenditure of more than three thousand pounds, succeeded in making improvements in the ventilation and warming of buildings and railroad cars in a cold climate, and

and is still engaged in prosecuting his enquiries and experiments in this branch of science, with the view of perfecting the work and placing it upon a philosophical and permanent basis, and which he believes will contribute largely to the health, comfort and economy of the public at large, and that the terms of his exclusive rights under the patents already granted to him are nearly expired, and that he has never as yet received any remuneration or derived any benefit from his labors,—and hath prayed to be allowed to surrender his present patents and to take out a new patent embracing all his improvements both in ventilation and in the machine for warming the ventilating air in cold weather, for a term of fourteen years from the passing of this Act, and renewable thereafter for seven years; And whereas it is reasonable and expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. It shall and may be lawful for the Governor or administrator of the Government of this Province, to take a surrender of all the grants of letters patent heretofore granted to the said Henry Ruttan, upon the subjects of ventilation and warming, referred to in the schedule hereto, and to grant to him, his heirs or assigns, a new patent or patents embracing all his original inventions and discoveries, and his improvements thereon, both patented and unpatented, for the period of fourteen years from the passing of this Act, and renewable thereafter for seven years, in the same manner and with the same exclusive rights and privileges as patents are granted under the present law, for any discovery or invention, and as if the said original inventions or discoveries and improvements had not been known or used in this province, or had not been in public use or on sale in this province, with the consent or allowance of the said Henry Ruttan, at the time of his application for a patent under the provisions of this Act; any thing in the laws of this province relating to patents and inventions to the contrary notwithstanding.

The Governor may accept a surrender of former Patents and grant a new one embracing all subsequent improvements.

2. This Act shall be deemed a Public Act.

Public Act.

SCHEDULE.

No. 210.—*2nd May, 1846.* The invention of a Furnace by which houses and other buildings may be heated by hot air, and which is called “a hot air generator.”

No. 222.—*15th December, 1846.* The invention of a metal heater for houses and other buildings, and a “cooking range,” and “hot air” and “vapour generator,” &c., &c., &c.

No. 225.—*27th January, 1847.* The invention of a new description of stove called a “centre combustion and detached fire

fire chamber cooking range, and hot air and vapour generator," and also of the manner in which the cold air is introduced.

No. 244.—23rd June, 1848. The invention of the true philosophical principles upon which buildings may be ventilated, and also of machinery by which the ventilating air may be warmed, designated the "Canadian Ventilator."

No. 311.—31st January, 1851. The invention of a machine called a "ventilating stove," and also of the means by which the ventilating air may be made to circulate under a floor and between the joists.

C A P . X X I V .

An Act to amend the Law regulating the Inspection of Flour and Meal.

[Assented to 24th July, 1858.]

Preamble.

19, 20 V. c. 87.

WHEREAS it is expedient to amend the Act of the Legislature of this Province passed in the Session thereof held in the nineteenth and twentieth years of Her Majesty's Reign, intituled, *An Act for the Inspection of Flour, Indian Meal and Oatmeal*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sect. 15 amended—Inspector to weigh at least ten per cent. of all flour inspected;

And cause any deficiency to be made good.

Penalty for default.

1. In amendment of the fifteenth section of the said Act, it is hereby enacted, that it shall be the duty of each Inspector or Assistant Inspector, appointed under the said Act, to weigh such proportion of every lot of Flour or Meal offered for Inspection (being not less than ten per cent. of each lot) as shall be necessary to verify whether the contents come up to the weight required by Law; and should such lot, or any part thereof, be deficient in legal weight, then he shall make or cause the deficiency to be made good by or at the expense of the owner thereof, so that each and every barrel shall contain the weight required by Law, and the Inspector or Assistant Inspector, shall, when required, certify the cost and expense thereby incurred; and every Inspector or Assistant Inspector who shall neglect to examine and weigh such Flour or Meal, and to cause the casks to be weighed in the manner required by this Act, shall, for every such neglect or refusal, forfeit the sum of Twenty Pounds currency, and shall be liable to make good all damages which any buyer or seller of such Flour or Meal may suffer in consequence of such refusal or neglect.

2. And in amendment of the third section of the said Act, it is hereby enacted, that—

Boards of Examiners in

1. Hereafter, the Boards of Examiners of Applicants for the office of Inspector of Flour and Meal, in each of the Cities of Quebec,

Quebec, Montreal, Toronto, Kingston and Hamilton, respectively, shall consist of five fit, proper and skilful persons, resident in or in the immediate vicinity of the City for which they are respectively to act ;

certain cities, how constituted hereafter.

2. The members of the present Board of Examiners for each of the said Cities, shall go out of office on the passing of this Act ;

Present members to retire.

3. Within thirty days after the passing of this Act, the Council of the Board of Trade for each of the said Cities shall appoint five persons, qualified as aforesaid, to be the Board of Examiners as aforesaid, for the City for which such Board of Trade is appointed ; and the persons so appointed shall respectively take the oath of office prescribed by the said third section before the President or Vice President of such Board of Trade, who shall administer the same ;

Boards of Trade to appoint others.

4. The Examiners so appointed shall hold their office until the thirtieth day of April next after their appointment, and shall then go out of office, but shall be eligible for re-appointment ;

Term of office

5. On or so soon as may be after the tenth day of April, and before the twenty-fifth day of the same month, in each year, the Council of the Board of Trade, in each of the said Cities, shall appoint five persons to constitute the Board of Examiners for the City, for the year commencing on the first day of May then next, and ending on the thirtieth of April, in the then next year ; and such Examiners shall take the said oath of office before the President or Vice President of such Board of Trade ;

Annual appointment of examiners.

Oath of office.

6. The said Examiners shall not be removeable by the Council of the Board of Trade by which they are appointed, but in case of vacancy by the death or the removal of any Examiner beyond the immediate vicinity of the City for which he is appointed, the Council of the Board of Trade for such City may appoint another in his stead, to hold office until the thirtieth day of April then next, and the person so appointed shall take the oath of office before the President or Vice President of such Board of Trade : and in the event of the temporary absence or inability of any such Examiner, from sickness or interest in any matter in which an Examiner is required to act, the Council of the Board of Trade may appoint another to hold office and act during such absence only, and he shall take the oath of office before the President or Vice President of the said Board of Trade.

Not to be removeable.

Vacancies how to be filled.

Temporary absence, &c.

3. And in amendment of the twenty-fourth section of the said Act, Be it enacted, That whenever any of the samples of the several qualities of Flour and Meal referred to in the said section,

Sect. 24 of 19, 20 V. c. 87, amended.

New samples as standards to be approved by Board of Examiners, &c.

Samples removeable, only at certain periods.

Sect. 17 of 19, 20 V. c. 87, amended.

Provision for settlement of disputes between the owner of Flour and the Inspector.

Costs.

Board of Trade to make a Tariff, and

Regulations.

Bill of Inspection to contain certain particulars.

section, and provided by the Inspector at any one of the Cities aforesaid, shall require to be renewed, the new sample or samples to be provided by the Inspector and referred to by him for his government in inspecting Flour and Meal, shall be such and such only as shall be approved by a majority of the Board of Examiners of the City, as truly representing the standard approved by the Board of Trade for the same; and the Board of Trade for any of the said Cities shall not renew the samples of any quality of Flour or Meal, except only between the fifteenth day of August and the fifteenth day of September in any year.

4. And in amendment of the seventeenth section of the said Act, Be it enacted, That if any dispute shall arise between the Inspector or Assistant Inspector for any of the said Cities and the proprietor or possessor of Flour or Meal, with regard to the quality or condition thereof or relating in any respect to the same, such dispute shall not be decided in the manner provided by the said section, but, upon application by either of the parties in difference, to the Secretary of the Board of Trade for the City where the dispute has arisen, the said Secretary shall forthwith summon a meeting of the Board of Examiners for the said City, who, or not less than three of them, shall immediately examine such Flour or Meal and report their opinion of the quality and condition thereof, and their determination, or that of a majority of them, made in writing, shall be final and conclusive, whether approving or disapproving the judgment of the Inspector or Assistant Inspector, who shall immediately attend and conform himself thereto, and shall brand or paint, or cause to be branded or painted, each and every barrel or half-barrel, of the quality and condition directed by the determination aforesaid; And if the opinion of the Inspector or Assistant Inspector be thereby confirmed, the reasonable costs and charges of re-examination, according to the rates allowed by the Board of Trade for the City, shall be taxed by the Secretary of the Board of Trade and paid by the proprietor or possessor of such Flour or Meal, and, if otherwise, by the Inspector, with all damages; And the Council of the Board of Trade for each of the said Cities shall, from time to time, make a Tariff of the fees and charges allowed for such re-examination and all services and matters connected therewith, and may also establish rules and regulations for the government of the Board of Examiners.

5. The Certificate or Bill of Inspection furnished by the Inspector, in accordance with the fourteenth section of the said Act, shall specify, in addition to the matters thereby required, the gross quantity of Flour or Meal taken by the instrument used for the purpose of inspection from the lot in respect of which such Inspection Bill is given.

6. Nothing in this Act shall affect any security Bond given by any Inspector or Assistant Inspector, or the liability of the parties signing such Bonds, or any of them, unless such parties give notice in writing to the person having the custody of the respective Bonds, within fifteen days after this Act comes into force, of his or their intention to withdraw; and in that case the Inspector or Assistant Inspector whose surety or sureties are so withdrawn, shall be bound, forthwith, to furnish other good and sufficient sureties in lieu of those so withdrawing; and all the provisions of the said Act hereby amended relating to providing security, or regulating the nature, execution, form, effect and custody of the security, or which prohibit the Inspector or Assistant Inspector from acting before giving security, or any of the said provisions which may otherwise apply to the security, are, in the case of withdrawal provided for by this section, declared to apply to the new security which is hereby authorized to be given.

Security bond not to be affected, unless sureties are withdrawn within a certain time after the passing of this Act.

Provisions of the said Act to apply.

7. This Act shall be construed as one Act with the Act hereby amended, all the provisions whereof, as to the recovery and application of penalties or forfeitures incurred under it, shall apply to those imposed by this Act.

Interpretation of this Act.

C A P . X X V .

An Act to consolidate the laws relating to the Inspection of Fish and Oil in Upper and Lower Canada.

[Assented to 24th July, 1858.]

WHEREAS it is expedient to amend and consolidate the laws relative to the Inspection of Fish and Oil, and for the better regulating the curing and packing of Fish: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Act of the Legislature of Lower Canada, second Victoria, chapter sixty-five,—the Act of the Legislature of this Province, thirteenth and fourteenth Victoria, chapter forty-three, and the Act of the Legislature of Upper Canada, third Victoria, chapter twenty-four, are hereby repealed.

Certain Acts repealed.

2 V. c. 65—
13, 14 V. c.
43,—3 V. c. 24.

2. It shall be lawful for the Governor in Council to appoint Inspectors of Fish and Oil in the Districts of Quebec and Montreal, in the Counties of Gaspé and Bonaventure and in the Magdalen Islands, respectively, and also in such Counties, Districts and localities respectively, in Upper and Lower Canada, as may be deemed most conducive to the interests and wants of each section of the Province; and to make from time to time all and every regulation that may be necessary, for better carrying out the provisions of this Act: and every such regulation being

Appointment of Inspectors; and making regulations.

Regulations to being

be published
in Canada
Gazette.

being published in the *Canada Gazette*, shall, so far as it may not be inconsistent with this Act or with law, have the same effect as if it were inserted in this Act.

Inspector to
give security,
and take an
oath of office.

3. Each person so appointed an Inspector of Fish and Oil, shall, before entering upon the duties of his office, give security to the satisfaction of the Governor in Council, in the sum of one hundred pounds currency, for the due performance of his said duties, and shall take and subscribe the following oath before one of the justices of the peace for the district or county in which he may have been appointed to act

The oath.

" I, A. B., Inspector of Fish and Oil, in and for the City or County (or as the case may be) of _____, do solemnly swear, that to the best of my judgment, skill and understanding, I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such Inspector, according to the true intent and meaning of the Act, &c." (insert the title of this Act.)

Where to be
kept.

Certificate
and fee.

And the Magistrate shall cause the said oath to be filed with and kept by the Clerk of the Peace for the District or County where the Inspector may have been appointed, and the Clerk of the Peace, if so required, shall furnish a certificate thereof to the Inspector taking the same, on payment of two shillings and six pence, currency.

Inspector to
have branding
irons, &c.

4. Each Inspector appointed under the authority of this Act, shall provide himself with sufficient branding irons, for the purpose of branding such casks and boxes as may by him be inspected in pursuancé of this Act.

What quality
of fish only
shall be
branded as
merchantable.

5. It shall be the duty of each such Inspector to see that all Salmon, Mackerel, Shad, Herring, and all kinds of split, whole, dried, pickled or salted fish, of any kind, intended for barrelling and submitted to him for inspection, have been well struck with salt or pickle, in the first instance, and preserved sweet, free from taint, rust, oil and damage of every kind; and no other fish shall be branded by him as inspected and merchantable.

How certain
kinds of fish
must be pack-
ed.

6. No fish of the description hereinabove mentioned, intended for exportation, shall be branded as inspected and merchantable, unless it be well and properly packed in good, tight and substantial tierces, half tierces, barrels or half barrels; nor shall any pickled or salted Salmon be so branded, except in tierces containing three hundred pounds, exclusive of salt and pickle, or in half tierces containing one hundred and fifty pounds, exclusive of salt and pickle, or in barrels containing two hundred pounds, exclusive of salt and pickle, or in half barrels containing one hundred pounds, exclusive of salt and pickle, avoir-du-poise weight, nor shall any other pickled or salted fish be so branded, if packed in barrels containing less than twenty-eight gallons or in half barrels less than fourteen gallons wine measure.

7. Nothing contained in the foregoing sections shall prevent the branding of casks containing any small fish usually packed whole, provided the same shall have been fully packed, close, edgewise, and properly salted with good coarse wholesome dry salt, in quantity sufficient only for their due preservation.

Casks containing small fish packed whole.

8. No red and smoked herrings shall be so branded, unless they be well and sufficiently cured and saved, and carefully and properly packed in good and substantial barrels, half barrels, kegs or boxes, and each box of herrings shall weigh at least twenty-five pounds.

How herrings must be packed.

9. It shall be the duty of each Inspector, when called upon to inspect any fish of the description above mentioned, carefully and attentively to examine each and every cask or box submitted to him for inspection; and if such fish be of a good quality, in wholesome pickle and clean salt, and in every way in good order, free from taint, rust, oil and damage, well and properly packed in good, tight and substantial tierces, half tierces, barrels or half barrels, kegs or boxes as hereinabove provided, the Inspector shall brand on the heads or butts of each cask or box so by him inspected, in large and legible letters, the words *Salmon*, *Mackerel* or *Herrings*, (as the case may be,) *Quebec* or *Montreal*, (or as the case may be,) *Inspected Merchantable, No. 1*; and such as shall be found of an inferior or second quality, or carelessly or badly packed, or in insufficient casks, kegs or boxes, or not in every respect as hereinabove required, shall by such Inspector be branded forthwith on the head or butt of the cask, keg or box with the words "*Inspected No. 2*," and the third quality of fish shall be marked "*Inferior No. 3*;" and the name of the Inspector, and the place, year and month of inspection, shall be marked on the package in all cases of inspection. And if it shall appear to the Inspector that a part of the fish inspected by him, is sound and a part unsound, he shall separate the sound from the unsound, repack the sound fish, and brand it according to its quality, and such portion as the inspector shall judge not capable of preservation, he shall condemn as bad.

What quality of fish shall be branded as merchantable No. 1;

And what as merchantable No. 2;

And what as inferior No. 3.

Sound and unsound fish to be separated, &c.

10. If any Inspector shall find fish of two or more kinds or qualities intermixed in the same cask, although the same may be well cured and otherwise in good order, it shall be his duty to brand upon such cask the words "*Inspected, Mixed*," both in large and legible characters.

Mixed fish to be marked as such.

11. Each of the said Inspectors shall in like manner, when called upon, carefully inspect all the sorts of oil hereinafter mentioned, and shall paint on the head of the casks in which such oil may be contained the words *Seal Oil*, *Whale Oil*, (as the case may be,) and with the name of the Inspector, the place, with the contents and *outs* of each cask.

Inspection of oil to be made in like manner.

Penalty on Inspector branding without inspecting, or lending his brands, &c.

12. If any Inspector shall brand any cask, keg or box of any description of fish or oil mentioned in this Act, the contents of which he has not inspected according to the true intent and meaning of this Act, or if he shall knowingly permit any other person or persons to use his brands, he shall, on being thereof convicted, incur a penalty of twenty shillings currency, for each cask, keg or box so branded, contrary to the provisions of this Act, and shall forthwith be removed from office.

Penalty on persons fraudulently effacing or impressing brand, &c.

13. Any person, other than an Inspector appointed under this Act, who shall wilfully efface or obliterate, or cause to be effaced or obliterated, from any cask, keg or box, having undergone inspection, all or any of the brands or marks thereupon imprinted or branded by any Inspector, or shall fraudulently impress or brand upon any cask, keg or box, any of the brands or marks by this Act required to be branded on casks, kegs or boxes containing fish or oil so inspected as aforesaid, or shall empty any cask, keg or box already branded, in order to put other fish or oil therein for sale or exportation, shall, on conviction for each such offence, incur a penalty not exceeding twenty pounds currency.

Penalty.

Inspectors not to deal in fish or oil.

14. It shall not be lawful for any Inspector appointed under the authority of this Act, to trade in, buy or sell directly or indirectly (otherwise than for the consumption of himself and family,) fish or oil of any kind or description to which this Act relates, under the penalty of twenty-five pounds currency, for each act of contravention or disobedience of the provisions of this section, and on pain of being dismissed from office.

Fees to Inspectors for services under this Act.

15. Each Inspector to be appointed under the authority of this Act, shall, for the services which may be by him performed as such, be entitled to the following rates or allowances from the persons employing him, and no more, that is to say :

1. For each tierce of salmon, salmon-trout or sea-trout inspected and branded, one shilling and three pence currency ;
2. For each half tierce of salmon, salmon-trout or sea-trout so inspected and branded, seven pence and a half penny currency ;
3. For each barrel of salmon, salmon-trout or sea-trout inspected and branded, seven pence and a half penny currency ;
4. For each half barrel of salmon, salmon-trout or sea-trout so inspected and branded, six pence currency ;
5. For each tierce of mackerel inspected and branded, one shilling and three pence currency ;

6. For each half tierce of mackerel so inspected and branded, seven pence and a half penny currency ;
7. For each barrel of mackerel inspected and branded, seven pence and a half penny currency ;
8. For each half barrel of mackerel so inspected and branded, six pence currency ;
9. For each tierce of herring inspected and branded, one shilling and three pence currency ;
10. For each half tierce of herring so inspected and branded, seven pence and a half penny currency ;
11. For each barrel of herring inspected and branded, seven pence and a half penny currency ;
12. For each half barrel of herring so inspected and branded, six pence currency ;
13. For each tierce of shad inspected and branded, one shilling and three pence currency ;
14. For each half tierce of shad so inspected and branded, seven pence and a half penny currency ;
15. For each barrel of shad inspected and branded, seven pence and a half penny currency ;
16. For each half barrel of shad so inspected and branded, six pence currency ;
17. For each tierce of white fish so branded and inspected, one shilling and three pence currency ;
18. For each half tierce of white fish so branded and inspected, seven pence and a half penny currency ;
19. For each barrel of white fish so branded and inspected, seven pence and a half penny currency ;
20. For each half barrel of white fish so branded and inspected, six pence currency ;
21. For each box of herring, one penny ;
22. For each cask of oil containing twenty-eight gallons inspected and branded, one shilling currency ;
23. For each tierce of oil, one shilling and one penny currency ;

24. For each hogshead of oil, one shilling and three pence currency ;

25. And for each puncheon of oil, one shilling and three pence currency ;

Expense of
cooperage, &c.,
to be allowed
extra.

26. And all such rates and allowances shall be over and above the expense of cooperage, and washing, cleaning and re-packing any salmon or fish, which such inspector may incur in the due and faithful execution of his duty.

Allowance for
liming heads
of barrels.

27. And for liming or white-washing with lime the heads or butts of any vessel of any description containing oil, the Inspector having performed such duty shall be entitled to two pence currency.

Dry or green
codfish may
be inspected.

16. Nothing in this Act shall prevent any dry or green codfish from being inspected, or the Inspector from giving a certificate stating the quantity and quality thereof, inspected and shipped on board of any vessel, and for each quintal so inspected and branded, he shall receive one penny, and for each draft of green fish, one penny currency.

Owner of fish
or oil may
employ his
own cooper,
under super-
intendence of
Inspector.

17. It shall be lawful for any person causing his fish or oil to be inspected, to employ at his own cost and charges, a cooper to attend upon and assist the Inspector in the performance of his duty, in which case the Inspector shall not be allowed any charge for cooperage, and the cooper so employed shall be governed and guided solely by the directions which he shall receive from the inspector, with respect to any fish or oil by him inspected, and not by any other person whomsoever.

Differences
between In-
spector and
Owner of
fish, &c., how
settled.

18. In case of any dispute between any Inspector and his Employer, reference shall be had to another Inspector, and his decision shall be final, and should the opinion of the Inspector be sustained, the expence incurred shall be paid by the owner of the fish, but if otherwise, then the Inspector shall pay the cost incurred by the arbitration.

Proper tim-
ber for fish
casks.

19. All casks that are used for the packing of salmon, her-ring, mackerel, salmon, salmon-trout, white fish or shad, or any other kinds of fish, shall be made of good sound wood, of cedar, pine, spruce, fir or hardwood, and each barrel or cask, if of soft wood, shall have a hardwood bung stave.

Application of
fines, &c.

20. One moiety of the pecuniary fines and of the forfeitures under this Act, shall belong to Her Majesty, and the other moiety to the complainant.

Limitation of
actions.

21. All penalties incurred under this Act must be sued for within three months from the commission of the offence.

22. Any offender who shall not forthwith pay the fine and costs he may have been condemned to pay, shall be committed to Gaol for a term of not less than one month, nor more than six months, at the discretion of the Magistrate before whom the offender may have been convicted. Imprisonment for non-payment of fine.

23. Every penalty or forfeiture imposed by this Act or the regulations to be made under it, may be recovered on complaint before the Superintendent of fisheries, or any Stipendiary or other Magistrate, in a summary manner, and the proceedings and the costs to be recovered shall be the same as is provided by law in either Section of the Province in other cases where summary jurisdiction is given to Magistrates. Recovery of penalties, &c.

24. Each Inspector of Fish shall annually, on or before the first day of January in each year, make a return to the Commissioner of Public Lands or to the Superintendent of Fisheries, shewing the quantity of fish inspected by him, and the names of the owners of the said fish, together with the quality and species thereof respectively. Annual returns by Inspectors.

C A P . X X V I .

An Act to provide for the Inspection of Sole Leather.

[Assented to 24th July, 1858.]

WHEREAS it is expedient to provide for the Inspection of Sole Leather in this Province : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. It shall be lawful for the Boards of Trade of the Cities of Montreal and Toronto each to appoint a Board of Examiners of Applicants for the office of Inspector of Sole Leather, and from time to time to remove such Examiners and appoint others in their stead, and each of such Boards of Examiners shall consist of five persons of experience and practice in the manufacture, or acquainted with the qualities of Leather ; and such Examiners shall, before acting as such, severally take and subscribe the oath contained in the Form A to this Act annexed. Examiners of applicants for the office of Inspector to be appointed.

2. It shall be lawful for the Governor in Council, upon the receipt of any requisition signed by not less than ten persons engaged in the manufacture or consumption of Sole Leather in any incorporated City or Town in this Province, setting forth the necessity of the appointment of an Inspector of Sole Leather in such City or Town, to nominate and appoint an Inspector of Sole Leather for the said City or Town, and from time to time to remove the said Inspector and appoint another in his stead ; but no person shall be appointed an Inspector of Sole Leather who Inspectors to be appointed on requisition. From among persons who shall

have passed examination.

shall not, previous to his appointment, have passed an examination before one of the said Boards of Examiners, and obtained a certificate as to his fitness, character and capacity.

Inspectors to give security, and to be sworn.

3. Every Inspector before acting as such shall furnish two good and sufficient sureties jointly and severally with himself for the due performance of the duties of his office, in the sum of one thousand dollars, to be approved by the chief Municipal Officer of the City or Town for which he shall have been appointed, in a Bond to be executed to Her Majesty, Her Heirs and Successors, and such Bond shall avail to the Crown, and to all persons whomsoever who shall or may be aggrieved by any breach of the conditions thereof; and every Inspector before acting as such shall take and subscribe the following Oath before the chief Municipal Officer of the City or Town for which he shall be appointed, who is hereby required to administer the same:

Oath of Inspector.

"I, A. B., do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill, and understanding, do and perform the office and duty of an Inspector of Sole Leather, and that I will not directly or indirectly, by myself, or by any other person or persons whomsoever, trade or deal in Leather, or be connected in any such trade, or purchase any Leather of any description, otherwise than for the use of my family, during the time I shall continue such Inspector. So help me God."

Inspector may appoint Assistants.

4. Any such Inspector of Sole Leather shall and may appoint one or as many more Assistants as he may from time to time require, or be required to appoint by the Board of Trade of the City for which he is appointed, for the acts of which Assistant or Assistants he shall be and is hereby declared to be responsible, and each such Assistant shall take and subscribe the following Oath before the Mayor, or Chief Municipal Officer of the City or Town for which he shall be appointed, who is hereby required to administer the same:

Oath of Assistant.

"I, A. B., do swear that I will diligently, faithfully and impartially, perform the duties of the office of Assistant to the Inspector of Sole Leather for _____, and that I will not directly or indirectly, myself or by any other person or persons whomsoever, trade or deal in Leather, or be connected in any such trade, or purchase any Leather of any description, otherwise than for the use of my family, during the time that I shall continue such Assistant Inspector. So help me God."

Oath to be recorded.

5. Every Oath taken and every Bond made or executed by any such Inspector, and every Oath taken by any such Assistant Inspector, shall be recorded at the office of the Chief Municipal Officer of the place for which such Inspector or Assistant Inspector

Inspector shall be appointed; and every person shall be entitled to have communication and copy of any such Oath or Bond, upon payment to the Treasurer of the Municipality of twenty cents, for every communication, and fifty cents, for each copy.

Fees for copy, &c.

6. Every such Assistant Inspector shall respectively be paid by, and shall hold his office at the pleasure of the Inspector, and may be removed or re-installed, or others may be appointed in his stead by such Inspector.

Assistant to be paid by Inspector.

7. Every Inspector or Assistant Inspector so nominated and appointed, may examine and inspect any side or piece of Leather on application being made to him for that purpose by the proprietor or possessor thereof, and ascertain the respective weight, qualities and conditions thereof.

Inspector must inspect on application.

8. Such Inspection may be made either at the store, shop or warehouse of such Inspector, which he is hereby required to keep in a convenient situation for that purpose, or at some store within the limits of the place for which the Inspector shall be appointed, respectively, at the option of the proprietor or possessor of such Leather, and when such Inspection shall be made at the store of the said Inspector, there shall be no charge for storage till twenty-four hours after the Leather has been inspected, but all trouble and expense attendant upon the loading, unloading and moving the said Leather shall be at the cost of the person at whose request the said Leather has been inspected.

Where inspection may be made—as to charges.

9. Each Inspector or Assistant Inspector, shall provide and have a sufficient number of brands or marking instruments, wherewith he shall brand or mark, or cause to be branded or marked immediately after inspection, on each side or piece of Leather, the name of the place of inspection, as the case may be, and the initials of the name of the Inspector, with the name or kind of the Leather and the weight and quality thereof as hereinafter directed; and on each side or piece which may be found to be of a damaged or unmerchantable quality, the Inspector or Assistant Inspector shall brand or cause to be branded the word "Rejected" or "Damaged" in letters as large as those upon the rest of the brand or inspection mark.

How inspected leather is to be marked.

Damaged leather is to be marked as such.

10. All brand marks shall be neat and legible, and shall be made at one end of the leather within a space not exceeding two inches long by one inch and a half broad.

Brand marks.

11. Every kind of sole leather shall be divided as to its quality into three classes, to be known as Number One, Number Two, and Number Three; and such leather as is ordinarily distinguished among dealers by its comparative weight, shall also be divided into three classes, to be known as *heavy*, *middling*, and *light* weight;

Classification of sole leather.

weight; every piece or side of leather under fourteen pounds weight shall be considered *light*, every piece or side of leather of fourteen pounds weight and under twenty pounds weight shall be considered *middling*, and every piece or side of leather of twenty pounds weight and over shall be considered *heavy* or *over weight*.

Qualities to be marked. **12.** Leather of the first, second or third quality shall be marked or branded respectively by the figures 1, 2 or 3.

How the mark or brand shall be affixed. **13.** The brand or mark to be used by every Inspector or Assistant Inspector of Leather, may be affixed by stamping, or by any other process rendering such brand or mark indelible, and every such brand or mark, so far as circumstances will permit, shall be in the form B to this Act annexed, or to the like effect.

Remuneration of Inspector. **14.** For every side or piece of sole leather so inspected every Inspector shall be entitled to demand and receive from the party requiring the inspection of the same, the sum of two cents.

Disputes between owners of leather and Inspectors, how to be settled. **15.** If any dispute arise between an Inspector and the proprietor or possessor of any leather inspected by him or his assistant, with regard to the weight, quality or condition thereof, or relating in any respect to the same, upon application by either of the parties, to any Justice of the Peace at the place at which such Inspector shall reside, the said Justice of the Peace shall issue a summons to three persons of skill and integrity, one to be named by the Inspector, another by the proprietor or possessor of the leather, and the third by the Justice of the Peace, requiring the said three persons immediately to examine the said leather, and report under oath their opinion in writing of the weight, quality and condition thereof, and their decision, or that of the majority of them made shall be final and conclusive, whether approving or disapproving the judgment of the Inspector, who shall immediately attend and conform thereto, and brand or mark or cause to be branded or marked such leather, of the weight, quality or condition directed by the decision aforesaid; and if the opinion of the Inspector be thereby confirmed, the reasonable costs and charges of re-examination as ascertained and awarded by the said Justice of the Peace, shall be paid by the said proprietor or possessor of the leather, or if otherwise by the Inspector; Provided always that no Inspector shall be liable for costs or damages for any deficiency or excess in the weight of such leather, unless such deficiency or excess in the weight exceed five per cent of the whole weight of the said leather.

Proviso: as to costs.

16. The Board of Trade of any City or Town may examine into any complaints made against any Inspector for neglect or improper performance of his duties, and if they shall decide that such complaints are well founded, and that such Inspector ought to be removed from office, they may notify such decision to the Governor in Council, who shall thereupon remove such Inspector from his office and appoint another in his stead, as provided in section one of this Act.

Boards of Trade to examine into complaints against Inspector.

17. Any Inspector or Assistant Inspector so nominated or appointed who shall refuse or neglect, on application to him personally made, or by writing left at his dwelling house, store, office or warehouse on any lawful day between sun-rise and sun-set, by any proprietor or possessor of Leather, (such Inspector or Assistant Inspector not being at the time of such application employed in inspecting leather,) immediately, or within two hours thereafter, to proceed to such inspection, shall for every such neglect or refusal, forfeit and pay to such person so applying, on conviction thereof, on the oath of one credible witness, other than the informer, the sum of twenty dollars over and above all the damages occasioned by such refusal or neglect to the party complaining.

Penalty on Inspector for refusing or neglecting to inspect.

18. No Inspector or Assistant Inspector shall directly or indirectly trade or deal in Leather, or be concerned in any such trade, or purchase any Leather of any description, otherwise than for the use of his own family, under the penalty of forty dollars, for each and every such offence, and of being immediately removed from the office, and of being disqualified from holding such office in future.

Inspectors not to deal in leather. Penalty.

19. Any person who shall with fraudulent intentions, efface or cause to be effaced from any side or piece of Leather having undergone inspection, all or any of the Inspector's marks, or shall counterfeit any such mark or marks, or impress or brand any mark purporting to be the mark of the Inspector, either with the proper marking tools of such Inspector, or with counterfeit representations thereof on any side or piece of Leather, or (not being an Inspector, appointed under this Act) shall brand or mark any Leather with the Inspector's mark or any part thereof, or shall connive at or be privy to any fraudulent evasions of the provisions of this Act, shall, for every such offence respectively, incur a penalty of forty dollars; and any Inspector who shall inspect or brand or mark any Leather out of the limits for which he shall be appointed, or shall hire out his marks to any person whatsoever, or shall connive at or be privy to any fraudulent evasion or inspection of Leather by others, shall for each such offence incur a penalty of forty dollars, and be immediately removed from his office, and be disqualified from holding such office in future.

Penalty for effacing or imitating Inspector's marks.

And on Inspectors acting out of their limits, or lending out their brands.

20. All penalties imposed by this Act, shall be recoverable by the Inspector or by any other person suing for the same, in a summary way before any Justice of the Peace, and the moiety of all fines (except as hereinbefore otherwise applied) shall be paid to the Treasurer of the City, Town, or Place where the offence was committed, for the public uses of the Corporation thereof, and the other moiety shall belong to and be paid to the person who shall sue for the same: Provided always that if an Officer of the Corporation of such place be the prosecutor, the whole penalty shall belong to the Corporation for the uses aforesaid.

Recovery and application of penalties.

Proviso.

Limitation of suits.

21. No suit or prosecution for any pecuniary penalty incurred under this Act, for any offence against its provisions shall be commenced after the expiration of six months after the commission of the offence.

Inspection not compulsory.

22. Nothing in this Act shall be construed to oblige any person to cause any Sole Leather to be inspected, but if inspected it shall be subject to the provisions of this Act, and shall not be marked or branded as inspected, unless the said provisions have been in all respects complied with as regards such Leather.

FORM A.

“ I, A. B., do solemnly swear, that I will not directly or indirectly, personally or by means of any person on my behalf, receive any fee, reward or gratuity whatever by reason of any function of my office as Examiner, and that I will therein well and truly in all things act without partiality, favour or affection and to the best of my understanding
“ So help me God.”

FORM B.

Montreal, 1858.

No. 1.—Good.

18½

J. B.
Ins.

FORM B.

Toronto, 1858.

No. 2.—Rejected.

14¾

J. B.
Ins.

FORM B.

Quebec, 1859.

No. 3.—Damaged.

17

J. B.
Ins.
C A P .

C A P . X X V I I .

An Act to amend and extend the Act of 1857, for diminishing the expense and delay in the Administration of Criminal Justice in certain cases.

[Assented to 24th July, 1858.]

WHEREAS the powers of summary conviction given by Act Preamble. twentieth Victoria, chapter twenty-seven, intituled, *An Act* 20 V. c. 27. *for diminishing expense and delay in the Administration of Criminal Justice in certain cases*, have been attended with great benefit, and it is expedient to extend them to certain other cases, and to amend the said Act so as to render its operation more direct and effective : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The powers for the summary trial and conviction of persons charged with certain offences, vested in the Recorder of any City, by the first section of the said Act, are hereby extended to cases where any person is charged before such Recorder with having committed any of the following offences, that is to say :

Powers of summary conviction under 20 V. c. 27, extended to certain cases.

1. With having committed an aggravated assault, by unlawfully and maliciously inflicting upon any other person, either with or without any weapon or instrument, any grievous bodily harm, or by unlawfully and maliciously cutting, stabbing or wounding any other person ; or

Aggravated assaults.

2. With having committed an assault upon any female whatever, or upon any male child whose age shall not in the opinion of such Recorder exceed fourteen years, such assault being of a nature which cannot in the opinion of the Recorder be sufficiently punished by a summary conviction before him under any other Act, and not amounting in his opinion to an assault with intent to commit a rape if such assault be on a female ; or

Assaults on children or females of any age.

3. With having assaulted any Magistrate, Bailiff, or Constable or other officer in the lawful performance of his duty, or with intent to prevent the performance thereof ; or

Assaulting of officers of justice.

4. With keeping or being an inmate, or habitual frequenter of any disorderly house, house of ill-fame or bawdy house ;

Keeping or frequenting bawdy houses.

And all the provisions of the said first section and of the other enactments of the said Act shall apply to the cases mentioned in this section, in so far as they are applicable to such cases, but subject to the provisions hereinafter made :

Provisions of sect. 1 of 20 V. c. 27 to apply—

2. The provisions of the said Act shall be subject to the following modifications, as applied to the cases mentioned in the next preceding section :

But subject to certain modification

Consent of party not requisite in certain cases.

1. The jurisdiction of the Recorder in the case of any person charged, within the Police limits of any City in this Province, with therein keeping or being an inmate or an habitual frequenter of any disorderly house, house of ill-fame or bawdy house, shall be absolute, and shall not depend on the consent of the party charged to be tried by such Recorder, nor shall such party be asked whether he consents to be so tried ;

Nor in Quebec or Montreal, if the offender be a seafaring stranger.

2. The jurisdiction of the Recorder shall also be absolute in the case of any person charged, either within the City of Quebec as limited for the purposes of the Police Ordinance passed in the second year of Her Majesty's Reign, chapter two, or within the City of Montreal as so limited, with the commission therein of any other of the offences mentioned in the last preceding section, if such person be a seafaring person and only transiently in this Province, and have no permanent domicile therein, and such jurisdiction shall not depend on the consent of any such party to be tried by the Recorder, nor shall such party be asked whether he consents to be so tried ;

Punishment in cases summarily tried under this Act.

3. If in any case summarily tried before him under this Act, the Recorder finds any charge mentioned in the next preceding section to be proved, he may convict the person charged and commit him to the Common Gaol or House of Correction, there to be imprisoned with or without hard labour for any period not exceeding six months, or condemn him to pay a fine not exceeding, with the costs in the case, one hundred dollars, or to both fine and imprisonment, not exceeding the said period and sum ; and such fine may be levied by warrant of distress under the hand and seal of such Recorder, or the party convicted may be condemned (in addition to any other imprisonment on the same conviction) to be committed to the Common Gaol, for a further period not exceeding six months unless such fine be sooner paid ;

Levying fine.

Imprisonment if not paid.

Forms in 20 V. c. 27 may be altered to suit this Act.

4. In such cases as aforesaid, the forms given in the Schedules to the said Act, shall be altered by omitting the words stating the consent of the party to be tried before the Recorder, and by adding the requisite words stating the fine imposed (if any) and the imprisonment (if any) to which the party convicted is to be subject if the fine be not sooner paid ;

Recorder may send the case to be tried by a jury, &c.

5. In any such case, if the Recorder thinks it is one which ought to be made the subject of prosecution by indictment rather than to be disposed of summarily, he may deal with it as if this Act had not been passed, or if he thinks there are circumstances inexpedient to inflict punishment, he may dismiss it without proceeding to a conviction, as in the cases mentioned in the first section of the said Act ;

Justices of the Peace may act

6. The powers of Justices of the Peace under the fifth and sixth sections of the said Act, and all the provisions of the said sections,

sections, shall extend to the cases to which the jurisdiction of the Recorder is extended by this Act.

in such cases under 20 V. c. 27, ss. 5 & 6.

3. And whereas it is inconvenient that in the cases mentioned in the first section of the Act first above cited, or in cases to be summarily tried under this Act, the examinations of the witnesses for the prosecution should be completed before the person charged is asked whether he consents to be tried by the Recorder; therefore, the second section of the said Act is repealed, and the following is substituted therefor:

Recital.

Sect. 2 of 20 V. c. 27, repealed, and new section substituted.

“Whenever the Recorder before whom any person is charged under the first section of the said Act proposes to dispose of the case summarily under the provisions of the said first section, such Recorder, after ascertaining the nature and extent of the charge, but before the formal examination of the witnesses for the prosecution, and before calling on the party charged for any statement which he may wish to make, shall state to such person the substance of the charge against him, and shall then say to him these words, or words to the like effect: “Do you consent that the charge against you shall be tried by me, or do you desire that it shall be sent for trial by a Jury at the (naming the Court at which it could so next be tried;)” and if the person charged shall consent to the charge being summarily tried and determined as aforesaid, then the Recorder shall reduce the charge into writing, and read the same to such person, and shall then ask him whether he is guilty or not of such charge; and if such person shall say that he is guilty, the Recorder shall then proceed to pass such sentence upon him as may by law be passed, subject to the provisions of this Act in respect to such offence; but if the person charged shall say that he is not guilty, the Recorder shall then examine the witnesses for the prosecution, and when the examination is completed, the Recorder shall inquire of the person charged whether he has any defence to make to such charge, and if he shall state that he has a defence, the Recorder shall hear such defence and shall then proceed to dispose of the case summarily.”

Accused party to be asked whether he consents to be tried summarily.

If he consents to be so tried;

And pleads guilty;

And if he pleads not guilty.

4. It shall be lawful for any Recorder before whom any person is charged under the said Act as hereby amended, by summons to require the attendance of any person as a witness upon the hearing of the case at a time and place to be named in such summons; and such Recorder may bind by recognizance all persons whom he may consider necessary to be examined touching the matter of such charge, to attend at the time and place to be appointed by him, and then and there to give evidence upon the hearing of such charge; And in case any person so summoned or required or bound as aforesaid, shall neglect or refuse to attend in pursuance of such summons or recognizance, then upon proof being first made of such persons having been duly summoned as hereinafter mentioned, or bound

Recorder may compel attendance of witnesses.

Warrant may issue to compel attendance in certain cases.

bound by recognizance as aforesaid, it shall be lawful for the Recorder before whom such person ought to have attended, to issue a warrant to compel his appearance as a witness.

How any summons under this Act shall be served.

5. Every summons issued under this Act may be served by delivering a copy of the summons to the party summoned, or by delivering a copy of the summons to some inmate of such party's usual place of abode; and every person so required by any writing under the hand of any Recorder to attend and give evidence as aforesaid, shall be deemed to have been duly summoned.

Recital.

Jurisdiction of Recorder given to Sheriffs and Justices of the Peace, in certain places in Lower Canada.

Proviso.

6. And inasmuch as it will conduce to diminish expense and delay in the administration of justice in criminal matters, to confer certain powers on certain Justices of the Peace and Sheriffs in Lower Canada; Therefore, all the jurisdiction and powers vested by the Act aforesaid as hereby amended or by this Act, in the Recorder of any City, are hereby conferred upon and vested in any two or more Justices of the Peace for any district in Lower Canada when present at the *chef-lieu* thereof, and there sitting in open Court, and upon and in the Sheriff of any district in Lower Canada, (other than the districts of Quebec and Montreal,) and upon and in any Deputy Sheriff in the district of Gaspé, sitting in open Court: Provided always, that such jurisdiction and powers shall not be exercised by any two or more Justices of the Peace or Sheriff in any new district until such district shall be established as such for all purposes of the administration of Justice in criminal as well as civil matters, under any proclamation of the Governor to that effect.

Sheriffs exercising such jurisdiction to be attended by certain officers.

7. The Sheriffs of such districts as aforesaid in Lower Canada, or any Deputy Sheriff in the district of Gaspé, when sitting or acting under the provisions of the Act hereby amended and this Act, shall be assisted, attended and obeyed by the Clerk of the Peace, Bailiffs, Constables and other Officers of such districts respectively, in the same manner as Justices of the Peace in and for the said districts respectively, would be attended, assisted and obeyed by them respectively, under the same or similar circumstances; and the Clerk of the Peace for each such district shall be and act as the Clerk of the Court of the Sheriff of such district under the provisions of this Act and of the Act hereby amended.

Payment and application of fines under this Act.

8. Every fine imposed under the authority of this Act shall be paid to the Recorder, Superintendent of Police, Sheriff, Deputy-Sheriff or Justices of the Peace, who shall have imposed the same, or to the Clerk of Recorder's Court or Clerk of the Peace, as the case may be, and shall be by him or them paid over to the County Treasurer for County purposes if it has been imposed in Upper Canada,—and if it has been imposed in any New District in Lower Canada constituted by

any Act of the session held in 1857, or to be passed in any subsequent session, then to the Sheriff of such District as Treasurer of the Building and Jury Fund for such District, to form part of the said Fund,—and if it has been imposed in any other District in Lower Canada, then to the Prothonotary of such District to be by him applied under the direction of the Governor in Council, towards the keeping in repair of the Court House in such District, or to be by him added to the moneys and fees collected by him for the erection of a Court House and Gaol in such District, so long as such fees shall be collected to defray the cost of such erection.

9. The Recorders of the Cities of Quebec and Montreal respectively, have been and are, by virtue of their offices, Justices of the Peace for the Judicial Districts in which the said Cities are respectively situate, and vested with all the powers and authorities, within the limits of their respective jurisdictions, of any one or two Justices of the Peace, as the case may require.

Recorders of Quebec and Montreal declared to be Justices of the Peace.

10. This Act shall be read and construed as one Act with the Act hereby amended, all the provisions for the interpretation whereof shall apply to this Act so that (among other things,) all the provisions of this Act referring to Recorders and Recorders' Courts shall be read and construed as applying and referring also to and giving jurisdiction to the Inspector and Superintendent of Police for the City of Quebec and for the City of Montreal respectively, and to the Police Magistrate for any City in Upper Canada, sitting in open Court, and to the Courts held by them respectively, and as giving them respectively full power to do all Acts authorized to be done by Recorders in the case of persons charged before them respectively.

This Act to be read as one Act with 20 V. c. 27: and powers of Recorders to be vested also in Superintendents of Police, &c.

CAP. XXVIII.

An Act to diminish the Expenses for Witnesses, and to facilitate the enforcing of forfeited recognizances, in Criminal Cases in Lower Canada.

[Assented to 24th July, 1858.]

WHEREAS it is expedient to restrict the allowance to Preamble. Witnesses on behalf of the Crown in Criminal Cases in Lower Canada, to such amount as will indemnify them for their actual disbursements; except only in the case of poor and needy witnesses, and to make certain other provisions for diminishing the expense borne by the Province in Criminal Cases in Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Witnesses not to receive allowance out of public money, except in certain cases and on certain conditions.

1. No witness at the trial of any case of felony or misdemeanor, shall receive any allowance as such out of any public money, nor shall any order be made by any Court, Judge, Recorder, Inspector and Superintendent of Police, or presiding Justice of the Peace, for the payment of any such witness out of public money, except upon the certificate of the Attorney General or Solicitor General or other prosecuting Officer on the part of the Crown, or of the Clerk of the Peace or other Public Officer prosecuting a felony or other offence in the Court of Quarter Sessions or Recorder's Court, or before any other competent tribunal, that such witness, being subpoenaed or bound by recognizance to give evidence on the part of the Crown in such case, is entitled under this Act to the sum mentioned in such certificate, which sum shall be ascertained as follows:

Disbursements only, unless poor and needy

1. Unless the witness be poor and needy, he shall be entitled only to his actual travelling expenses from the place of his residence to the Court and back, and just actual disbursements for board and lodging not exceeding the rate of one dollar per day, while detained in attending the Court at a place where he does not reside;

If poor and needy, allowance for loss of time.

2. If the witness makes affidavit before the Court, Judge, Recorder, Inspector and Superintendent of Police, or Justice of the Peace, that he is poor and needy, he may also be allowed a reasonable sum for his trouble and loss of time, not exceeding in any case the rate of one dollar per day;

Affidavit that the amount demanded is correct, &c., and before whom.

3. Any witness may, before receiving such certificate, be required to make affidavit that the sum he demands for disbursements or for trouble and loss of time, or both, is true and correct, and to answer on oath any pertinent question touching the same, which shall be put to him by the Court, Judge, Recorder, Inspector and Superintendent of Police or presiding Justice of the Peace, or by the prosecuting Officer or person who is to sign the certificate.

Order of Judge, &c., to be required to enable defendant in felony to obtain subpoenas without paying fees.

2. The defendant in any case of felony, shall not obtain Subpoenas for necessary witnesses for his defence without payment of fees, in the manner now used, except upon the order of some Judge of the Court in which the case is to be tried, or of the prosecuting Officer in the case, which order shall be granted on the affidavit of the Defendant that he is poor and needy, and that such witnesses are necessary to the defence, and the lawful fees of the proper officer issuing such Subpoenas, shall then (but not otherwise) be paid as they now are; but no expenses of serving such Subpoenas shall hereafter be paid out of any public money; Provided always, that in cases of misdemeanor or other offences less than felony, no expenses for subpoenas or service of subpoenas on the part of the Defendant, shall be paid out of any public money, in whatever Court such case be tried.

Proviso.

3. Whenever default is made in the condition of any recognizance lawfully entered into or taken in any criminal case, proceeding or matter in Lower Canada, so that the penal sum therein mentioned becomes forfeited and due to the Crown, such recognizance shall thereupon be estreated or withdrawn from any record or proceeding in which it may be, or a certificate or minute of such recognizance under the seal of the Court shall be made from the records of such Court where the recognizance has been entered into orally in open Court, and such recognizance, certificate or minute, (as the case may be,) shall be transmitted by the Court, Recorder, Inspector and Superintendent of Police, Justice of the Peace, or Magistrate or Functionary before whom the cognizor (or the principal cognizor where there is a surety or sureties) was bound to appear or to do that by his default to do which the condition of the recognizance is broken, to the Superior Court in the District in which the place where such default was made is included for civil purposes, with the certificate of the Court, Recorder, Inspector and Superintendent of Police, Justice of the Peace, Magistrate or other Functionary as aforesaid, of the breach of the condition of such recognizance, of which and of the forfeiture to the Crown of the penal sum therein mentioned such certificate shall be conclusive evidence: And the date of the receipt of such recognizance or minute and certificate by the Prothonotary of the said Court, shall be indorsed thereon by him, and he shall enter judgment in favor of the Crown against the cognizor (or cognizors) for the penal sum mentioned in such recognizance, and execution may issue therefor after the same delay as in other cases, which shall be reckoned from the time when the judgment shall have been entered by the Prothonotary of the said Court, and such execution shall issue upon fiat or præcipe of the Attorney General or Solicitor General for Lower Canada, or of any person thereunto authorized in writing by either of them; and the Crown shall be entitled to the costs of execution and to costs on all proceedings in the case subsequent to execution, and to such costs for the entry of the judgment as may be fixed by any tariff: Provided always that nothing herein contained shall prevent the recovery of the sum forfeited by the breach of any recognizance from being recovered by suit in the manner now provided by law, in any case where the same cannot for any reason be recovered in the manner provided in this section.

Forfeited recognizance in criminal cases in Lower Canada to be certified to the Superior Court.

Judgment to be entered thereon.

Execution on fiat of Attorney General, &c.

Proviso.

4. This Act shall apply only to Lower Canada; and so much of the thirty-fifth section of the Act of the Legislature of Lower Canada, thirty-fourth George the Third, chapter six,—or of the twenty-fourth section of the Act of the said Legislature, thirty-ninth George the Third, chapter nine,—or of the first section of the Ordinance of the Legislature thereof, second Victoria, chapter fifty-six,—or of the twenty-third or forty-ninth section of the Act of the Legislature of Canada, fourth

Repeal of inconsistent enactments.

fourth and fifth Victoria, chapter twenty-four,—or of the ninety-seventh section of the Act of the said Legislature, twelfth Victoria, chapter thirty-eight,—or of the third, eighth or fifteenth section of the Act of the said Legislature, fourteenth and fifteenth Victoria, chapter ninety-five,—or of the thirteenth section of Act of the said Legislature, passed in the same year, chapter ninety-six,—or of any other part of the said Acts or Laws or of any other Act or Law, as may be inconsistent with any provision of this Act, shall be and is hereby repealed, but such provisions thereof as are consistent with this Act shall remain in force and apply to the cases to which this Act applies.

Interpretation.

5. The word "cognizor" in this Act, shall include any number of cognizors in the same recognizance, whether as principals or sureties, unless such interpretation be inconsistent with the context.

C A P . X X I X .

An Act to legalize certain proceedings taken by Agricultural Societies in Lower Canada.

[Assented to 24th July, 1858.]

Preamble.

20 V. c. 49.

20 V. c. 32.

WHEREAS certain irregularities have occurred in the election of the Officers of Agricultural Societies in Lower Canada, which took place at the period indicated by the Act twentieth Victoria, chapter forty-nine; And whereas an erroneous interpretation of the Act twentieth Victoria, chapter thirty-two, has caused certain Agricultural Societies in Lower Canada, composed of more than forty persons, contributors to an amount exceeding twenty pounds currency, to be of opinion that the said Act rendered it unnecessary for them to subscribe to the declaration and form contained in Schedule A of the Act first above cited; And whereas it is expedient to extend the period limited for the organization of Agricultural Societies where such societies have not already been organized in Lower Canada; And in consideration of the advantages which result from the proper working of the said Agricultural Societies: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Election of officers of Agricultural Societies under 20 V., cap. 49, declared valid.

1. Elections of officers of Agricultural Societies which have taken place in the different counties of Lower Canada at the period enacted by the Act twentieth Victoria, chapter forty-nine, are hereby declared valid, and the said Officers shall be entitled to exercise all the powers, and to discharge all the duties, conferred and enumerated by the Act last cited and by the Act twentieth Victoria, chapter thirty-two, with reference to Agricultural Societies in Lower Canada; if however, in any

any county in which but one Agricultural Society ought to exist, two Societies have been organized in opposition one to the other, that Society which has been or shall be admitted by the Board of Agriculture shall be the legally organized Society, and shall enjoy all the rights and privileges conferred upon Agricultural Societies : Provided always that the foregoing provision shall not apply in any way to the County of Temiscouata, but in that County the Agricultural Society organized on the twenty-second day of January last, at the *Chef-lieu* of the County in the Circuit Court, in the Parish of Isle-Verte, is and shall be the Agricultural Society of the said County of Temiscouata, and shall be entitled to enjoy all the rights and privileges conferred on Agricultural Societies in Lower Canada, any law to the contrary notwithstanding.

Proviso :
Where two Societies have been formed where there ought to be but one.

Proviso : this sect. not to apply to county of Temiscouata, &c.

2. The said Agricultural Societies organized as aforesaid in conformity with the provisions of this Act, shall nevertheless subscribe to the declaration in the form contained in the said Schedule A of the said Act twentieth Victoria, chapter forty-nine ; and the said declaration shall then be deemed to be subscribed to in conformity with the provisions of the Act last above cited.

Declaration must be subscribed under 20 Vict. c. 49.

3. Notwithstanding the provisions of the Act twentieth Victoria, chapter forty-nine, which enacts and provides that the election of the president, vice-president and directors should take place within the three first weeks of the month of January last for the current year, it shall be lawful for the inhabitants of any County in Lower Canada, upon conforming to the other provisions of the Act last above cited, to organize an Agricultural Society, and to elect the president, vice-president and directors, at any meeting called for that purpose by the Warden or a Justice of the Peace in the county, upon the requisition of at least three persons entitled to vote at the election of the officers aforesaid.

A Society may be organized in any County, notwithstanding the provisions of 20 Vict. c. 49, requiring that the President, &c. should be elected in January last.

4. If on the day and at the hour and place at which such meeting is to be held, the said Warden or Justice of the Peace be absent, any person selected by the majority of the persons present, and entitled to vote at such election shall preside, and shall discharge, in so far as concerns the said election and the acts relating thereto, all the duties imposed upon the president of any such meeting.

Who may preside at the meeting, in the absence of the Warden.

5. The proceedings at such meeting shall be transmitted to the Board of Agriculture by the person who shall have presided thereat ; and if such person shall neglect or refuse to transmit a report of the said proceedings to the Board of Agriculture, whether such proceedings shall have been had since the first day of January last or shall be had after the passing of this Act in conformity therewith, it shall be lawful for not less than three persons who shall have been present at such meeting, to draw

Proceedings to be transmitted to the Board of Agriculture, and by whom.

draw up a *procès-verbal* setting forth the result of such meeting, and giving the names of the officers elected for such Agricultural Society, whether the same be for a county or for the division of a county, as the case may be; And the said *procès-verbal* shall be transmitted to the Board of Agriculture, and shall be considered to be an official report of the proceedings of such meeting; if however it be objected that the said report is false and irregular, the Board of Agriculture shall decide the matter in dispute, and its decision shall be final.

If the *Procès verbal* be objected to as irregular.

Proceedings declared valid by the said Board, legalized.

6. The Agricultural Societies which have transmitted reports of the proceedings at their meetings to the Board of Agriculture, and of which the proceedings have been declared to be valid by the said Board of Agriculture, are hereby legalized notwithstanding any irregularities in such proceedings.

Public Act, and duration.

7. This Act shall be a Public Act, shall apply to Lower Canada only, and shall expire on the twenty-ninth day of September next.

C A P . X X X .

An Act to amend the Act passed in the eighteenth year of Her Majesty's Reign, chapter one hundred and fifty-nine, intituled, *An Act to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town.*

[Assented to 24th July, 1858.]

Preamble.

18 V. c. 159.

WHEREAS it is expedient to repeal in part, and to amend the provisions of an Act passed in the eighteenth year of Her Majesty's Reign, intituled, *An Act to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Section 2 repealed.

1. The second section of the said Act shall be and is hereby repealed.

Boundaries of the City of Quebec enlarged and described.

2. All the tract of land which in and by a certain Proclamation of His Excellency Sir Alured Clarke, Lieutenant Governor of the Province of Lower Canada, issued under the Great Seal of the Province, and bearing date the seventh day of May, one thousand seven hundred and ninety-two, is described as being comprehended within the City and Town of Quebec, and which it was declared by the said Proclamation should be thenceforward called by that name, as well as all land extending

to low water mark of the river St. Lawrence, in front of the said City and Town, together with the bed of the river St. Charles, opposite the said City, adopted at high water mark of the northern side of the said river from the prolongation of the line from St. Ours street to the westerly line of the Nuns of the Hotel Dieu's Farm; thence, running southward along the said line about five hundred and fifty feet to the southern extremity of a pier erected on the said farm at low water; thence, running due east about eight hundred feet, to the intersection of the line limiting the beach grants of the Seigniorship of Notre-Dame des Anges, at low water, and finally thence, along the said beach line, running north, forty degrees east to the intersection of the prolongation of the Commissioners' line for the harbour of Quebec, and thence following the said Commissioners' line to the westerly line of the City—shall, from and after the passing of this Act, constitute, be and be called the City of Quebec, and all wharves, piers and other erections made or to be made in the said river Saint Lawrence opposite to or adjoining the said City, though beyond low water mark of the said river, and extending as far as the said Commissioners' line and beyond the same, should it be hereafter extended, shall be held and considered to be within the limits of the said City.

All the said tract to be within the City.

3. If any person who shall have or claim to have any right to vote at any election of a Mayor or of a Councillor in the said City, shall, after the passing of this Act, ask or take any money or other reward by way of gift, loan or other device or agree or contract for any money, gift or office, employment or other reward whatsoever, to give or forbear to give his vote in any such election, or if any person, by himself, or by any person employed by him, shall, by any gift or reward, or by any promise, agreement or security for any gift or reward, corrupt or procure, or offer to corrupt or procure any person to give or forbear to give his vote in any such election, such person so offending in any of the cases aforesaid, shall for every such offence forfeit the sum of ten pounds currency, to be recovered with costs by any one who shall sue for the same before the Recorder's Court for the said City.

Penalty on persons guilty of bribery or accepting bribes at City elections.

4. It shall not be lawful for any candidate for the office of Mayor or Councillor for the said City, at any election thereof, directly or indirectly, to employ any means of corruption by giving any sum of money, office, place, employment, gratuity, reward or any bond, bill or note or conveyance of land, or any promise of the same, or to threaten any elector of losing any office, salary, income or advantage, either by himself or his authorized agent for that purpose, with the intent to corrupt or bribe any elector to vote for such candidate, or to keep back any elector from voting for any other candidate, or to open and support, or cause to be opened and supported at his costs and charges, any house of public entertainment for the accommodation of

Candidates for Mayor or Councillors forbidden to use certain means of corruption.

Election to be void.

of the electors: And in case any such candidate for either of the said offices returned as duly elected, shall be proved guilty of using any of the above mentioned means to procure his election, before the proper tribunal, his election shall thereby be declared void.

Section 8 of 18 V. c. 159, amended.

Certain persons not to be eligible as Mayor or Councillor.

5. The eighth section of the said Act shall be amended by adding thereto the following words: "And no person who shall directly or indirectly, by himself or by any other person in trust for him or for his use and benefit, or on his account, execute, hold or enjoy the whole or any part of any contract or agreement made or entered into with the Corporation of the Mayor, Councillors and Citizens of Quebec, or have any interest therein or derive any benefit or emolument arising therefrom, or who shall, directly or indirectly be a surety for the due execution or fulfilment of any such contract or agreement shall be capable of being elected Mayor or Councillor of the said City of Quebec, and if elected, his seat as such Mayor or Councillor shall become and be vacant from the day of his having as aforesaid directly or indirectly by himself or by any person in trust for him, or for his use or benefit, or on his account, commenced to execute, hold or enjoy, the whole or any part of any such contract or agreement so made or entered into with the said Corporation, or to have any interest therein, or to derive any benefit or emolument arising therefrom or of his having, directly or indirectly, become such surety as aforesaid; and any person who shall continue to act as such Mayor or Councillor as aforesaid, after such day as aforesaid, shall incur and pay a penalty of twenty-five pounds currency for each and every day during which he shall act as such Mayor or Councillor as aforesaid, which said penalty may be recovered by any one who shall sue for the same before the Recorder's Court of the said City; and if the Mayor of the said City of Quebec shall absent himself from the said City during more than three consecutive calendar months, or if any Councillor shall absent himself during more than six consecutive months (except in case of sickness or on public business), then and in that case such Mayor or Councillor shall cease to hold such office of Mayor or Councillor, and shall be liable to the penalty appointed for refusal to accept such office."

Penalty.

Penalty on Mayor or Councillor absenting himself beyond a certain period.

Section 14 of 18 V. c. 159, amended.

6. The fourteenth section of the said Act shall be and is hereby amended as follows; After the words "and has not before voted at such election," the following shall be added, "and has not received, directly or indirectly, any money, promissory note, promise, place or employment, to induce him to vote for any of the candidates at this election."

Section 16 of 18 V. c. 159, amended.

7. The sixteenth section of the said Act is hereby amended as follows: after the words "and the said certificates may be deposited in the City Hall," the following shall be added, "or any other place fixed upon by the Council of the said City";

City"; Provided always that the said Council shall appoint but one place for the deposit of such certificates.

8. The seventeenth section of the said Act is hereby so amended as to read as follows: "The election of Councillors aforesaid shall annually take place, and be held in manner following, to wit: The Corporation of the said City shall cause books to be prepared, in which shall annually be entered and recorded the names of all persons who, being qualified to vote at the said elections, shall produce and deposit their certificates of qualification in the City Hall of the said City, or at any other place fixed upon by the Council, at any time between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, from the fifteenth day of the month of December until the twenty-first day of the month of December, in each year, both days inclusive; the said certificate shall be prepared and made out on a sheet of paper having two leaves thereto, on the inner one of which shall be printed or stamped blank lines followed by the words "For Councillor in the _____ Ward," printed and stamped as follows, to wit:

Section 17 of 18 V. c. 159, amended.

Form of voting tickets.

- For Councillor in the _____ Ward.
- For Councillor in the _____ Ward.
- For Councillor in the _____ Ward.

The party entitled to the said certificate, and desirous of voting shall fill up the said blanks, or if unable to write himself, shall cause the same to be filled up in the presence of two subscribing witnesses, with the names of those persons for whom he may desire to vote and whom he may wish to have elected Councillor or Councillors, as the case may be, for the ward in which he is entitled to vote; the holder of the said certificate being the party named therein, may produce the same to the City Clerk of the said City in the City Hall thereof, or at any other place fixed upon by the Council under the seventh section of this Act, at any time within the hours and periods hereinafter specified, and after entry made by the City Clerk of the name of the said voter and the date of the production of the said certificate, the holder thereof, being the party named as aforesaid, may deposit the said certificate in a suitable and closed box in the said City Hall, or at any other place fixed upon by the Council, labelled with the name of the ward in which the said party may be entitled to vote; of which description of box, appropriately labelled, the said Corporation shall furnish one for each ward of the said City; at the time of producing and depositing the said certificate, the said voter shall be under no necessity of declaring or making known for whom he may vote as Councillor, and no entry or record of the party or parties voted for shall be made by the City Clerk, but only an entry of the name of the party voting, and of the date when he shall produce and deposit as aforesaid his said certificate and vote; it shall be lawful for the Mayor or any Councillor of the said City to administer the oath prescribed in the fourteenth section of the Act passed in the eighteenth year of Her Majesty's reign,

How to be filled up.

Deposit in the ballot box.

Mayor or Councillors may administer

ter certain
oaths to
voters.

False swear-
ing to be per-
jury.

Examination
of books, and
declaration of
candidates
elected.

Proviso: as to
order of swear-
ing in Coun-
cillors, &c.

Certain oath
to be taken.

reign, chapter one hundred and fifty-nine, as amended by this Act, to every party producing a certificate of qualification and claiming the right to deposit the same and vote at the said election, and it shall be imperative on the said Mayor and on each and every Councillor of the said City, to administer the said oath upon requisition to that effect, of any duly qualified voter in the said City; and likewise in all cases where doubts are or may be entertained of the identity of the party desirous of voting; and any person who shall swear falsely, upon the said oaths being administered to him, shall be guilty of wilful and corrupt perjury, and shall be liable to all the penalties of the said offence; the said eight boxes (one for each ward) shall severally be locked with five locks each; each lock shall be different from the others, and shall be opened with a key of a different construction from the keys of any other of the said locks, so that no two of the said locks may be opened with the same key; and the keys of the said locks shall be given in custody to the Board of Revisors appointed by the Council, each of whom shall keep one key, so that the said boxes cannot be opened unless in the presence of all the members of the said Board; On the twenty-sixth day of December, or if that day be a Sunday or statutory holiday (*fête d'obligation*) on the twenty-seventh day of December in each year, the Board of Revisors shall meet in the City Hall, shall open the said boxes, and shall cause the entries and record of the City Clerk in the said books to be perfected, by entering and recording in the said books the names of the persons for whom each voter shall or may vote to be elected Councillor or Councillors as aforesaid; and the Board of Revisors shall ascertain and report to the Council of the said City at its next meeting the total number of votes given for the Candidates for the office of Councillor, and for whom the greatest number of votes shall have been given in each of the said several wards; and the said Council shall, after examination of the said books, certificates, and report of the said committee, thereupon declare the parties having the greatest number of votes to be elected Councillors of the said City, and in case of an equality of votes, the said Council shall determine which of the parties having the said equality shall be elected to office; Provided that the newly elected members, respecting whose election there is no question, shall, if present, be first sworn in, that they may vote in the said cases of equality of votes, if desirous of so doing; and the Councillors going out of office, whom the newly elected Councillors thus sworn shall subsequently replace, shall not vote in case of an equality of votes as aforesaid, and the said Councillors elect shall afterwards respectively take the oaths prescribed by the Act passed in the eighteenth year of Her Majesty's Reign, chapter one hundred and fifty-nine, as amended by this Act; and the said books, with the names of the said voters, and the names of the parties for whom they have respectively voted, together with the certificates produced and deposited by the said voters, shall remain in the office of the
City

City Clerk, where they shall be open to inspection by any elector on payment of one shilling: Provided always that the newly elected Councillors as aforesaid shall not enter upon the duties of their office, and shall not enjoy any of the rights and privileges, nor be liable to any of the duties and responsibilities of Councillors as aforesaid, until from and after the third Monday in January in each year.

Proviso: when the new Councillors shall begin to act as such.

9. The financial year, as regards all accounts of the corporation of the said City, shall commence on the first day of January and end on the thirty-first day of December in each year, both days inclusive; any law, custom or usage to the contrary notwithstanding: And all rates of assessment or taxes imposed and levied during the course of any one year shall be taken to be for the year commenced upon the first day of the month of January then next preceding, and ending on the thirty-first day of the ensuing month of December.

Financial year as regards the Corporation.

Tax year.

10. The forty-third section of the said Act shall be and is hereby repealed, and it is enacted, That the Treasurer of the said City shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received or paid as such Treasurer, and the several matters for which such sums shall have been received or paid; and the books containing the said accounts shall, at all reasonable times, be open to the inspection of the Mayor or of any of the Councillors of the said City; and all the accounts of the said Treasurer, with all vouchers and papers relating thereto, shall be made up to and closed on the thirty-first day of December in each year, and shall, on the first day of February then next ensuing, be submitted by such Treasurer to the Auditors elected for the said City, and such members of the said Council, as the Mayor of the said City shall name, and the said books of accounts, accounts, and all vouchers and papers relating thereto, shall, from the first to the last day of February inclusively, in each and every year, be open to the inspection and examination of the said Auditors and Councillors to be named by the Mayor, for the purpose of the said books and accounts being examined and audited for the year preceding such annual examination, and if the said accounts shall be found to be correct, the Auditors shall certify the same to be so, and after the said accounts shall have been so examined and audited in the month of February in every year, the Treasurer shall make out in writing and cause to be printed a full abstract of his accounts for the year, and a copy thereof shall be open to the inspection of all the rate-payers of the said City, and copies thereof shall be delivered to all rate-payers of the said City applying for the same, on payment of a reasonable price for each copy.

Section 43 of 18 V. c. 159, repealed, and new provision made as to municipal accounts, their examination and audit, &c.

Abstract to be made and published; and be open to all rate-payers.

11. Notwithstanding any thing in the said Act, or in any other Act or law to the contrary, the Recorder's Court for the said City shall have exclusive jurisdiction in all cases of complaint

Exclusive jurisdiction of the Recorder's

Court in cases
relative to
assessment.

complaint against, or objection to, the assessment returns to be made in the said City, and it shall be the duty of the Treasurer of the said City, as soon as the Assessors thereof shall have deposited the assessment books for any Ward of the said City in any year, in his office, to cause a notice to that effect to be published in one French and in one English newspaper in the said City, and in every issue thereof for three weeks, and all persons who may think themselves aggrieved, by any thing in the said assessment books contained, may, at any time within three weeks from the day of the date of the first publication of such notice, prepare or cause to be prepared a complaint thereof in writing, addressed to the said Recorder's Court, which said complaint shall be sworn to, before any Councillor of the said City, or any other Justice of the Peace, who is hereby authorized and required to administer the same, and shall be filed in the office of the Clerk of the said Court, who shall, from time to time, give due and sufficient notice, by publication in one English and one French newspaper, in the said City, of the days and hours when the said Recorder's Court will proceed to hear and determine the merits of such complaints generally, or any class or number thereof respectively; And any party aggrieved by any decision of the said Recorder's Court, with respect to such complaint, may appeal therefrom, by Summary Petition, to any one of the Judges of the Superior Court for Lower Canada, sitting at Quebec, presented either in term or in vacation, within a delay of eight days from and after the rendering of such decision; And thereupon, it shall be lawful for such Judge to order that certified copies of the entry or entries in the assessment book complained of by the Petitioner, and of the decision of the said Recorder's Court on his complaint thereof, together with such complaint itself, be transmitted to him, and upon receipt thereof he shall, after having heard the Petitioner, either in person or by his Attorney, make such order in the premises as to law and justice may appertain; Provided always that any person who shall neglect to make such complaint as prescribed by this Act, shall be foreclosed from doing so, and shall be held liable and compelled to pay the amount for which he may be assessed according to the assessment books.

Appeal from
the Recorder's
decision.

Proviso.

Two sub-sections of section 51 of 18 V. c. 159, amended.

19. The second sub-section of the fifty-first section of the said Act is hereby amended by adding thereto the following proviso: "Provided always that the rate or assessment to be assessed and levied, each and every year, on real or personal property, or both, within the said City, or upon the owners or occupiers thereof in respect to such property, shall in no instance be less than five shillings currency;" The twenty-second sub-section of the fifty-first section of the said Act, shall be amended by adding after the words "by any such By-law," in the first line of the said sub-section, the following words, "for all the objects aforesaid, and."

13. The fifty-fifth section of the said Act shall be and is hereby repealed.

Section 55,
repealed.

14. It shall be lawful for the said Council of the said City, at a meeting or meetings of the said Council, composed of not less than two thirds of the said Council, to impose by By-law a penalty not exceeding one hundred pounds currency of the said Province, on any assessor or assessors, auditor or auditors of, in, or for the said City, or any ward thereof, refusing or wilfully neglecting to attend to, perform, or fulfil the duty or duties which he or they the said assessor or assessors, auditor or auditors are or may be bound and required by law to attend to, perform and fulfil; and the said fine shall be recoverable before the Recorder's Court of the said City, and form part of the general funds of the said City.

Power to
Council to im-
pose penalties
on assessors
in certain
cases.

15. Whenever and in all cases where, by any Act or Acts of the Legislature of the Province of Canada now in force or which may hereafter be in force, the Corporation of the said City is or may be authorized to borrow any sum or sums of money, it shall and may be lawful for the said Corporation to issue under the hand of the Mayor and the seal of the Corporation, Debentures or Corporation Bonds for the sum or sums of money to be borrowed as aforesaid, which said bonds shall bear interest at a rate not exceeding the rate fixed by the Act or Acts authorizing the said loan or the said issue or rate which, at the date of the said Debentures as aforesaid, shall be fixed as the legal rate of interest, by any law passed or hereafter to be passed by the Legislature of this Province of Canada; any law, custom or usage to the contrary notwithstanding.

Whenever the
Corporation is
authorized to
borrow mo-
neys, it may
issue debent-
tures therefor,
&c.

16. The City Council of the City of Quebec shall have power to enact one or more By-laws to regulate the ferries between the City of Quebec and the parish of Notre-Dame de la Victoire de Lévi, between the City of Quebec and the parish of St. Joseph de Lévi, and between the City of Quebec and the Island of Orleans,—to fix the Tolls payable on such ferries,—to authorize an officer to grant licenses for holding such ferry, and to fix the amounts which shall be paid for such licenses and the other conditions subject to which such licenses shall be granted, and they shall have power to impose penalties upon any ferryman or other person infringing such By-laws, but no such license shall be granted for more than one year, and the tolls for the use of the said ferries shall be the same for every person who shall make use of the said ferries, and the said tolls shall be submitted to the Governor and approved by the Governor in Council, before they can be recovered, and the net revenue arising from the said licenses shall be divided as follows: one half shall belong to the Mayor, Councilors and Citizens of the City of Quebec, and the other half of the revenue accruing from such licenses shall be paid to the
respective

City Council
to have power
to regulate
certain ferries
over the River
St. Lawrence:

And to fix
tolls to be ap-
proved by
Governor in
Council.

Proviso.

respective Municipalities to which the said ferries lead; Provided always that this section shall not go into effect until after the first day of January, one thousand eight hundred and fifty-nine.

Persons building or repairing houses, to obtain permission from city surveyor before occupying any part of the street.

17. All persons intending either to build or to re-build any house, building, inclosure or wall fronting upon any of the streets or other public thoroughfares of the said City, or intending to demolish or to repair any such, either in whole or in part, shall apply to the City Road Surveyor, and shall inform him of the time when they are to begin such works and of the probable time of their being finished, and shall also obtain from the said Surveyor permission in writing for that purpose, in which permission the extent of ground which may be occupied with the material and rubbish while such works are going on, shall be particularly stated; which extent of ground shall not in any case exceed one third of the width of the street or public thoroughfare in which the said materials or rubbish shall be deposited; and every person obtaining such permission shall inclose the ground mentioned in the same with a board fence at least ten feet in height before depositing any materials or rubbish thereon; and every person who shall refuse or neglect to obtain such permission in writing from the said Surveyor, or to confine his operations within the limits fixed by such permission, or to inclose the space of ground stated in the same, shall, for every such refusal or neglect, incur a penalty of forty shillings currency.

Penalty for contravention of this section.

Recorder may examine witnesses on oath in cases of inquiry instituted by him at the request of the City Council.

18. In case the Council of the said City of Quebec at any time passes a resolution requiring the Recorder to investigate any matter to be mentioned in the resolution, and relating to a supposed malfeasance, breach of trust or other misconduct on the part of any member of the Council, officer, or person employed by the Corporation, or any person having a contract therewith; in relation to the duties or obligations of such member, officer, or other person to the City, or in case the Council of the City sees fit to cause enquiry to be made into or concerning any matter connected with the good government of the City, or the conduct of any part of the public business thereof, and if the Council at any time passes a resolution requiring the Recorder of the City to make the enquiry, the Recorder shall make such enquiry, and shall for that purpose have all the powers of Commissioners under the Act, intituled, *An Act to empower Commissioners for enquiring into matters connected with the public business, to take evidence on oath*; and the Recorder shall, with all convenient speed, report to the Council the result of the enquiry, and the evidence taken thereon.

9 V. c. 38.

Section 72 of 18 V. c. 159, repealed, and a new section substituted.

19. The seventy-second clause of the said Act shall be and is hereby repealed, and the following shall be substituted in its place: "All debts which, from and after the passing of this Act, shall become due to the Corporation, for any rate or assessment

assessment assessed or imposed on any real or personal property, or both, within the City of Quebec, or upon the owners or occupiers thereof, in respect of such property, or for duty on business, or for any other rate, tax, or impost levied under and by virtue of any By-law of the Council of the said City, shall be privileged debts, and shall be paid in preference to all other debts, excepting debts due to Her Majesty; and shall, in the distribution of the proceeds of property, whether real or personal, of any person liable to pay any such debt, be so held, considered, and adjudged by all Courts of Justice, and by all Commissioners or other persons having jurisdiction in bankruptcy or insolvency in Lower Canada: Provided always that the privilege hereby granted shall not extend beyond the rates or assessments due for two years, that is to say, for the current year when such claim may be made, and for the year next preceding that year: And provided also that the said privilege shall not require registration to preserve it; any Act, ordinance, or law to the contrary notwithstanding.

Privileged claim of the Corporation for moneys due for assessments.

Proviso.

Proviso.

20. And whereas the Corporation of the Mayor, Councilors and Citizens of the said City of Quebec, have, by their Petition, represented that further provisions are necessary to enable them properly to carry into effect the Act passed by the Legislative Council and Legislative Assembly in the ninth, and assented to by Her Majesty in the tenth year of Her reign, and intituled, *An Act for supplying the City of Quebec, and parts adjacent thereto, with water*, and the Acts amending the same, and have prayed that such provisions be made; Therefore, it is enacted, that the minimum water-rate to be paid by any person or party liable in the said City of Quebec to water-tax, shall be four dollars per annum; any thing in the said Acts to the contrary notwithstanding.

Act 9 V. c. 113, cited.

Minimum water-rate altered.

21. Any water-rate to which any immoveable property in the said City shall be subject, and which shall be payable by the proprietor, may be enforced and recovered either from the proprietor of the said immoveable property so taxed or assessed, or from any person occupying the said real property or any part thereof, as tenant or otherwise; and when the said tax shall have been paid by any tenant not bound to pay the same by the lease or other agreement, in virtue of which he occupies such immoveable property, such tenant shall be entitled to deduct the sum so paid by him from the rent which he shall have to pay for the use or occupation of the said immoveable property so taxed.

By whom the water-rate shall be payable.

Tenant paying it may recover in certain cases.

22. The provisions of any law inconsistent with or contrary to the provisions of this Act shall be and they are hereby repealed.

Inconsistent provisions repealed.

23. This Act shall be deemed a Public Act.

Public Act.

C A P . X X X I .

An Act to extend the Powers of the Trinity House of Quebec.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS it is advisable further to encourage the removal of obstructions in the Harbour of Quebec : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Sec. 99 of 12
Vict. ch. 114,
repealed.

1. The ninety-ninth section of the Act of the Legislature of the Province of Canada, passed in the twelfth year of Her Majesty's Reign, chapter one hundred and fourteen, shall be and the same is hereby repealed.

Trinity House
may advertise
and sell effects
found and not
claimed with-
in a certain
time.

2. When any thing found in the River Saint Lawrence within the jurisdiction of the Trinity House of Quebec has not been claimed, the Harbour Master of Quebec may advertise it during four weeks in English and in French in two or more newspapers published at Quebec ; and if within one calendar month after the date of the last of such publications the same be not claimed, the Harbour Master shall sell the same publicly, and after deducting the expenses of advertising, sale or otherwise, two thirds of the proceeds of the sale shall revert to the finder, and the remaining third to the Trinity House of Quebec ; Provided always that it shall be in the discretion of the Trinity House of Quebec, by an Order to be duly made by them to that effect, to prolong the said delay of one month, if they should see fit, to any other period not exceeding six calendar months, so that there shall intervene not less than one nor more than six calendar months between the advertising the description of the effects found and the sale of the same in the event of their not being claimed.

Proviso :
Period may be
extended to
not more than
six months.

Public Act.

3. This Act shall be deemed a Public Act.

C A P . X X X I I .

An Act to provide for the improvement and management of the Harbour of Quebec.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS it is expedient to provide for the improvement and management of the Harbour of Quebec : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The Harbour of Quebec shall, for the purposes of this Act, comprise that part of the river St. Lawrence which lies between a line drawn from the west side of the mouth of the river Cap Rouge, to the west side of the mouth of the river Chaudière, and a line drawn from the east side of the mouth of the river Montmorency, to the east side of the Cove called Indian Cove, on the south side of the said river St. Lawrence, together with that part of each of the said rivers Cap Rouge, Chaudière and Montmorency, and of the rivers St. Charles, Etchemin and Beauport, where the tide ebbs and flows.

Harbour of Quebec, defined.

2. All land below the line of high water on the north side of the River St. Lawrence within the said limits, now belonging to Her Majesty, whether the same be or be not covered with water, the moneys arising from which are not by law appropriated or directed to be applied exclusively to any other purpose, together with all rents and sums of money now due or hereafter to become due to Her Majesty, and not already by law appropriated or directed to be applied exclusively to any other purpose, either for interest or principal, or in any other way, in respect of any land below the line of high water within said limits heretofore granted by Her Majesty, whether the same be or be not covered with water, shall be vested in the Corporation hereinafter mentioned, in trust for the purposes of this Act: Provided always that every Riparian and other proprietor of a deep water pier, or any other property within the said boundaries, shall continue to use and enjoy his property and mooring berths in front thereof, as he now uses the same, until the said Corporation shall have acquired the right, title and interest which any such proprietor may lawfully have in and to any beach property or water lot within the said boundaries; nor shall the rights of any person be abrogated or diminished by this Act in any manner whatever: And provided also, that nothing herein contained shall in any way affect the lands or any parts of the lands constituting the estate of the late Order of Jesuits, appropriated to Educational purposes by the Act nineteenth and twentieth Victoria, chapter fifty-four.

Certain Crown property, &c. in the Harbour vested in trust.

Proviso: saving rights of proprietors.

Proviso: saving Jesuits' Estates.

3. It shall be lawful for the Governor, by an Instrument under the Great Seal of this Province, to constitute and appoint three persons to be, together with the Mayor of the City of Quebec, for the time being, and the President of the Quebec Board of Trade for the time being, Commissioners for the improvement and management of the Harbour of Quebec, and from time to time to remove such persons or any or either of them, and to appoint others to be the successors of such as shall be removed or shall die, or resign their trust; and such Commissioners and the Survivor or Survivors of them, and their Successors so from time to time constituted and appointed as aforesaid, together with the Mayor of the City of Quebec for the time being, and the President of the Quebec Board of Trade for the time being, shall be a Corporation.

Commissioners of the Harbour to be appointed and to be a Corporation.

Corporate name and powers.

Proviso: no interested party to be commissioner or secretary.

Power to make By-laws for certain purposes.

Servants and property.

Encroachments.

Ballast.

Collection of dues, &c.

time being, or during his absence from the Province, the Vice-President of the Quebec Board of Trade, shall be and are hereby declared to be a body Corporate and Politic in deed and in name by the name of the "Quebec Harbour Commissioners," with power to purchase and acquire, have, hold, enjoy, possess and retain immoveable property for the purposes of this Act, and to build or acquire, hold and possess such Steamboats, Dredges, Scows and other Vessels as they may deem necessary for the efficient discharge of their duties under this Act, and to take out Registers for such Vessels in their corporate name and capacity, and to dispose of the same, as well as of the said immoveable property, as often as they may see fit to do so, and to do all other things necessary to carry out the provisions of this Act according to their true intent and spirit; Provided always, that no such Commissioner or Secretary of the Corporation shall at any time be the owner of, or have personally any direct interest in any property which it will be necessary to acquire for the purposes of this Act;—if he be such owner or has such interest, he shall cease to be a Commissioner or officer (as the case may be)—and if the Mayor of the City of Quebec, or the President of the Board of Trade should at any time be such owner or should have such interest, it shall be the duty of the Corporation of the City of Quebec, or of the Board of Trade, as the case may require, to choose from among its members a person not being such owner and not having such interest, to be such Commissioner; or if either of the three Commissioners appointed by the Governor is such owner or has such interest, it shall be lawful for the Governor to appoint in his stead some other person not being so disqualified.

4. The said Corporation of the Quebec Harbour Commissioners shall, for the purposes of this Act, have power and authority to make By-laws, not repugnant to the laws of this Province or to the provisions of this Act, and to impose penalties under the same, not exceeding twenty dollars currency or sixty days' imprisonment, against all persons who may infringe the same, and to revoke, alter and amend such By-laws as often as they may deem the same expedient; and By-laws made for any of the following purposes shall be held and deemed to be made for the purposes of this Act, that is to say:

1. The direction, conduct and government of the said Corporation, and of its officers and servants, and the management and improvement of its property, real and personal;

2. The prevention of injury to the property of the Corporation, and encroachment and incumbrances thereon, and the removal of the same; and also to prescribe where all vessels entering and loading at the Harbour of Quebec shall discharge their ballast;

3. The collection of all dues and penalties imposed by or under the authority of this Act;

4. And finally the doing of any thing necessary to carry out the provisions of this Act according to their intent and spirit ;

Carrying out this Act.

5. Provided always, that no By-law made by the said Corporation, shall have any force or effect until after it has been sanctioned by the Governor and published in the *Canada Gazette* ;

Proviso: By-laws to be published.

6. And provided also, that the improvements to be made under this Act, and the property which may be acquired thereunder, shall be made or acquired on the north side of the River St. Lawrence, only.

Proviso: improvements to be on north side only.

5. Copies of any such By-laws certified by the Secretary under the seal of the said Corporation, shall be admitted as full and sufficient evidence of the same in all Courts of Law and Equity in Canada.

Certified copies to be evidence.

6. It shall be lawful for the Governor from time to time to appoint one of the said Commissioners to be Chairman of the said Corporation, and to allow such Chairman such compensation or salary as may be deemed fitting ; and the said Corporation shall appoint a Secretary-Treasurer thereto, and shall fix his compensation, and shall require and take from such Secretary-Treasurer such security for the due and faithful performance of his duties as may be deemed necessary ; And all such other officers, assistants and servants as may be required by the said Corporation for the purposes of this Act, shall be appointed by the said Corporation, who shall allow them such compensation or salaries as may be necessary ; Provided always that such Secretary-Treasurer and such compensation shall be approved of by the Governor General.

Appointment of Chairman, and of Secretary-Treasurer, and other officers of Corporation.

Proviso.

7. The members, officers and servants of the said Corporation shall be exempt from serving on any Juries or Inquest whatsoever, or as Assessors or Constables.

Members, &c., of Corporation exempt as Jurors, &c.

8. For the purpose of purchasing wharves and extending and improving the same, and constructing other accommodation for vessels in the said Harbour, or for any or either of the said purposes, it shall be lawful for the said corporation to borrow, in such sums and for such number of years and at such rates of interest, not exceeding eight per cent per annum, as may be found expedient, any sum or sums of money not exceeding in the whole the sum of three hundred thousand pounds sterling at par, in sterling or in currency, and either in this Province or elsewhere, and to expend the same in such purchases and works in the said Harbour, in the manner deemed by them to be best calculated to promote the commerce and interests of the Port of Quebec ; And the said Corporation is hereby authorized to issue under the hands of three of the said Commissioners,

Power to borrow money for works in the Harbour.

And to issue debentures.

Commissioners,

Commissioners, and the seal of the Corporation, debentures or bonds, to be countersigned by the Secretary of the said Corporation, for the sum or sums so to be borrowed, and to make the same payable, at such time and times as may be agreed on, to the bearer thereof either within this Province, or at any place or places without this Province, and either in Currency or in Sterling, with interest payable semi-annually, and with coupons for such interest annexed and signed by one of said Harbour Commissioners, and countersigned by the said Secretary, which coupons shall be payable to bearer at the time when the said interest shall be made payable; and such debentures or bonds may be recalled and other debentures or bonds issued in their stead as aforesaid, with coupons; and the said sum and sums so borrowed shall be paid out of the revenues of the Harbour.

Interest to be paid out of revenue of Harbour.

9. The interest upon the sums of money which may be borrowed under the next preceding section, shall be paid out of the revenue arising from the dues, tolls, duties, rates and penalties imposed by or under this Act for and on account of the said Harbour; and the lawful charges upon the said revenue shall be as follows and in the following order, that is to say:

Order of charges on revenue of Harbour.

1. The payment of all expenses incurred in the collection of the same, and other indispensable charges;

Defraying of expenses.

2. The defraying of the expenses attendant on keeping the wharves and other works and property of the Corporation of the Harbour, in a thorough state of repair;

Payment of interest.

3. The payment of interest due on all sums of money borrowed under this Act without priority or preference;

Sinking fund.

4. The paying-off of the principal of temporary loans; and for this purpose the said Corporation is hereby required to set apart yearly two per cent. on the amount of such loans, as a sinking fund, to secure the liquidation thereof.

Certain accounts to be kept.

10. The said Commissioners shall keep separate accounts of all moneys borrowed, received and expended by them under the authority of this Act, and shall account for the same annually to the Governor, in such manner and form as he may see fit to direct; but the Provincial Guarantee shall not be given for the payment of either principal or interest of any sum borrowed under this Act, nor shall the Province be in any way responsible therefor.

No Provincial Guarantee.

Corporations, &c., empowered to sell to Harbour Commissioners.

11. All Corporations and persons whatever, and all *grevés de substitution*, Tutors, Curators, Executors and Administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn,

unborn, lunatics, idiots or other persons, who are seized or possessed of or interested in any wharf or other immoveable property required by the said Commissioners for the purposes of this Act, may sell and convey unto the said Commissioners all or any part thereof; and any contract, agreement, sale or conveyance made in pursuance of the power hereby given shall be valid and effectual, any law, statute, usage or custom to the contrary notwithstanding; and such Corporation or person so conveying as aforesaid is hereby indemnified for what it or he may respectively do by virtue or in pursuance of this Act.

12. All Corporations or persons owning any wharf or other immoveable property, required by the said Commissioners for the purposes of this Act, who cannot in common course of law sell or alienate the same, shall exact a fixed annual rent as an equivalent for the same instead of a principal sum; and if the amount of the rent be not fixed by voluntary agreement or compromise, it shall be fixed in the manner hereinafter prescribed; and all proceedings shall in that case be regulated as hereinafter prescribed; and for the payment of any such annual rent or of any other annual rent agreed upon or ascertained and to be paid for the purchase of any wharf or other immoveable property, required by the said Commissioners for the purposes of this Act, or for any part of the purchase money of any such wharf or other immoveable property which the vendor shall agree to leave unpaid, such wharf or other immoveable property shall be and is hereby made liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the Registry Office for the Registration Division of Quebec; And every such Deed shall be so registered at full length at the diligence, costs and charges of the said Commissioners.

Corporations or persons who cannot receive principal sums to sell for fixed annual rents.

Deeds to be registered by the Commissioners.

13. Whenever the said Commissioners cannot agree with the proprietor or proprietors, or some one or more of them as aforesaid, of any wharf or other real property required by them for the purposes of this Act, as to the amount of the price or annual or other rent to be paid for the same, such amount shall be determined as follows: the said Commissioners and the proprietor or proprietors shall each appoint a disinterested Arbitrator, and the two Arbitrators shall name a third, also disinterested, and the three Arbitrators, after being sworn by or before any Judge or Justice of the Peace to fulfil their duty honestly and impartially, and having given each other notice of the time and place of their meeting, shall determine such amount, and their decision or that of any two of them shall be final; And if such proprietor or proprietors, after being notified and thereunto required by the Commissioners, refuse or neglect to appoint an Arbitrator as aforesaid, or if the two Arbitrators appointed by the two parties interested or by the Commissioners and the Judge aforesaid, do not agree upon a third Arbitrator, then one of the Judges of the

Mode of settling price of lands, &c., in case of not being able to settle it by mutual agreement.

Arbitration and award.

the Superior Court for Lower Canada shall name an Arbitrator for the proprietor or proprietors, or a third Arbitrator, as the case may require; and in case of the death of an arbitrator, or his refusal to act, the party who appointed him, or the Judge, (as the case may be,) may appoint another in his place.

Commissioners to become proprietors on payment or deposit of price.

14. When the amount of the price to be paid for any wharf or other immoveable property required as aforesaid, has been agreed upon or determined by arbitration as aforesaid, the said Commissioners may take the same and become proprietors thereof, by paying such price either to the proprietor or proprietors, or into the hands of the Prothonotary of the Superior Court at Quebec, for him or them; and the price agreed upon or determined to be paid for any wharf or other immoveable property taken by the said Commissioners, shall be in the place and stead of the land, and all claims to or upon the land shall be converted into claims to or upon such price; and if the Commissioners have reason to apprehend that any claims may exist to or upon the price, on the part of any third party, they may pay such price into the hands of the Prothonotary of the Superior Court at Quebec, filing at the same time a copy of the deed of purchase or of the award, and the Court, after having caused due notice to be given for the calling in of all claimants, shall make such order for the distribution of the price as well as of the interest, thereof and as to costs, as to law may appertain.

Provision if they apprehend charge on the property.

Power to levy moorage and wharfage rates on vessels and goods.

15. It shall be lawful for the said Commissioners to levy upon all vessels moored or fastened to, or lying at or in any of their piers, wharves or slips, and upon all goods landed or shipped, carried or deposited thereon, such moorage or wharfage rates and such other tolls, dues and duties, as they may, from time to time, fix and establish not exceeding those in the Schedules hereunto annexed, and the said rates and dues shall be levied as follows:

On seagoing vessels.

1. On seagoing vessels.—The moorage rates thereon shall be levied from the master or person in charge thereof; and the wharfage rates of goods landed or shipped, shall be levied from the consignee, shipper, owner or agent thereof;

On other vessels.

2. On all other vessels.—The moorage rates thereon, as well as the wharfage rates upon the cargoes, shall be paid by the master or person in charge thereof, saving to him such recourse as he may have by law against any other person for the recovery of the sum so paid;

Proviso: as to recovery of dues; unclaimed goods may be sold if

3. Provided, however, that it shall be lawful for the said Commissioners to demand and recover the said wharfage rates from the owners or consignees of such vessels, or from the owners, consignees or agents of ships, or shippers of

of such cargoes, if they see fit to do so; and in the event of goods lying unclaimed on the wharves, piers or slips of the said Commissioners for the period of ninety days, such goods may be sold by public auction after three advertisements thereof shall have been published in any newspaper in the city of Quebec, and the said Commissioners shall account for the proceeds thereof to the owner thereof on demand, first deducting their lawful charges thereon; and if such goods be of a perishable nature, they may be sold within a shorter period, provided cause for such sale be shewn by affidavit before any Justice of the Peace of the district of Quebec, and an order for such sale procured from such Justice, who is hereby authorized to grant the same.

such dues remain unpaid after a certain time.

16. In case of non-payment of the said dues or rates or part thereof, or any other charge which under this Act the said Commissioners may lawfully make, it shall be lawful for the said Commissioners to seize forthwith before judgment, any vessel or goods whatsoever upon which such dues or other charges may be owing, and to detain the same at the risk, cost and charges of the owner, until the sum due and the costs and charges incurred for the seizure and detention of the same be paid in full; and in the event of such rates, dues or other charges, remaining due for forty days after such seizure, such vessel or goods may be sold by the said Commissioners by public auction, after the publication in any newspaper in the said city of Quebec, of three advertisements of such sale; and the said Commissioners shall thereafter, on demand, account to the owner of such vessel or goods, for the proceeds of such sale, first deducting the rates or dues due, and all their other legal charges.

Power to seize and sell vessels or goods in case of non-payment.

17. It shall be lawful for the said Commissioners to require from the master or person in charge of every vessel coming to any of their wharves, piers or slips, a report in writing, signed and certified by him, of his vessel's cargo inwards, and her draft of water, such report to be made before he shall break bulk; also of her outward cargo and draft of water before his vessel shall leave the same, and such other particulars as may be necessary to carry out the provisions of this Act; and in case of refusal or neglect to make such reports or any of them, it shall be lawful for the said Commissioners to seize and detain such vessel at the risk, cost and charges of the master, owner or person in charge thereof, until the aforesaid requirements are complied with; Provided always that nothing herein contained shall prevent the said Commissioners from making such mutual agreement with the masters, owners or agents of steamboats and other vessels, with respect to making such reports, and with respect to the payment of all tonnage, wharfage and other dues, as may be considered expedient; And provided also, that nothing herein contained shall be construed to prevent the said Commissioners

Certain reports may be exacted from masters of vessels.

Provido.

Provido.

from

from commuting with such masters, owners, or agents of steam-boats and other vessels, for all rents and dues accruing thereon, on such terms and conditions, and for such sum or sums of money, and for such periods as to the said Commissioners may seem fit and expedient.

Collector of Customs at Quebec, may be required to collect rates.

18. It shall be lawful for the said Commissioners to require the Collector of Customs at the Port of Quebec, to collect such portion of the aforesaid rates and dues on their behalf, as they may deem expedient for the convenience of the trade of the Harbour to collect through him, and to allow him therefor a commission not exceeding one half per cent.

If dues, &c., are insufficient, they may be raised by the Governor.

19. If all the imposts mentioned in this Act should prove insufficient to enable the said Commissioners to meet the charges upon their revenue as provided by this Act, it shall then be lawful for the Governor, on report of the Commissioners to that effect, to add such per centage to all dues whatsoever imposed by this Act, as will in his judgment afford the said Commissioners a sufficient revenue for the said purposes.

Recovery of dues and penalties.

20. All dues and penalties imposed by this Act, or by any By-law made under the authority thereof, and all rates, dues and duties authorized to be levied under and by virtue of this Act, may be recovered by civil action or proceeding at the suit of the said Commissioners before any Magistrate or Magistrates in any place in this Province, in a summary manner, and on the oath of one credible witness; and any member of the said Corporation, or any of its officers or servants, may be such witness.

Vessels may be seized for injury done to wharves, &c.

21. If any injury be done to any of the wharves, slips, piers or other works in the said harbor, belonging to the said Commissioners, by any vessel, or by the carelessness or wantonness of the crew thereof, while in the execution of their duty, or of the orders of their superior officers, it shall be lawful for the said Commissioners to seize such vessel and detain her until the injury so done has been repaired by the master or crew, or until security has been given by the said master to pay such amount for the injury and costs as may be awarded in any suit which may be brought against him for the same; and he is hereby declared to be liable to the said Commissioners for any such injury.

Maliciously injuring piers, &c., to be felony.

22. If any person or persons shall, wilfully and maliciously, by any means, or in any manner, break, damage or destroy, the piers, slips, wharves, or other works to be purchased or constructed under this Act, or any of them, such person or persons shall be adjudged guilty of felony, and the Court by and before whom such persons shall be tried and convicted, shall have the power and authority to cause such persons to be punished according to the laws in force in this Province for the

the punishment of felony, and to sentence any person or persons so convicted to an imprisonment in the Provincial Penitentiary, of a duration not less than two years, nor more than five years.

23. If any person or persons shall in any manner or way whatever, obstruct, hinder, or interrupt, any of the Officers, Clerks, or servants of the Commissioners, in the execution of their duties, such person or persons shall, for every such offence, incur a penalty not less than Five Pounds, nor exceeding Ten Pounds, to be recovered, as hereinbefore provided; and one half of all penalties imposed by, or under the authority of this Act, shall be paid to the said Commissioners and the other half thereof, into the hands of the Receiver General, to be applied to the public use of this Province.

Penalty for obstructing officers of the Commissioners in the execution of their duties.

24. The seizure of any vessel which under and by virtue of this Act the said Commissioners may make for the purpose of enforcing the provisions thereof, may be effected upon the order of any Magistrate for the district of Quebec, which order such Magistrate is hereby authorized and required to give, upon the application of the said Commissioners or their authorized agent, on the institution of any action before such Magistrate, for any cause rendering such vessel liable to seizure, and on the affidavit of any one credible person that the cause of such action alleged in the declaration, complaint or information, before such Magistrate, is well founded in fact; and such order may and shall be executed by any constable, bailiff or other person whom the said Commissioners may choose to intrust with the execution thereof; and the said constable, bailiff or other person is hereby authorized and empowered to take all necessary means, and to demand all necessary aid, to enable him to execute the same.

How seizure of vessel to be effected.

25. The valuation of goods on which *ad valorem* rates of wharfrage are imposed by this Act, shall be made according to the provisions contained in the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to amend the law relative to duties of Customs*, as amended by the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act further to amend the laws relating to the duties of Customs*; and the provisions of the said Act so amended shall, for the purposes of such valuation of goods, be held and considered to form part of this Act, as if the said provisions were actually embodied herein; and it shall be the duty of the Collector of Customs at Quebec to direct the Appraiser at the said Port to attend and make such valuation at any place and time needful, on application being made to him to that effect by the said Commissioners or their authorized agent; and the said Appraiser shall act herein without taking any new oath of office for the purpose.

Valuation of goods to be made according to the Act 12 V. c. 1, as amended by 16 V. c. 85.

Interpretation
clause.

26. In this Act all words importing the singular number, or the masculine gender only, shall extend to more than one person, party or thing, and to females as well as males, unless the context shall be inconsistent to such construction; and whenever power is by this Act given to do any thing, power shall be intended also to do all things which may be necessary to the doing of such things: and generally all words and clauses herein, shall receive such liberal and fair construction, as will best answer the carrying into effect of this Act according to its true intent and spirit: The words "By-laws," "Vessels," "Goods," and "Dues," in the provisions of this Act, shall severally be construed to mean, and shall mean as follows: the word "By-laws," shall include and mean, all By-laws, rules, orders and regulations, made by the said Commissioners; the words "Vessel" or "Vessels" shall mean and include all ships, vessels, boats, barges, steamboats, scows, rafts, and floating craft, whatsoever; the word "Goods," shall mean and include all merchandize, produce, animals, articles and things whatsoever, landed from a vessel, or deposited on the wharves for the purpose of being shipped or otherwise; and the word "Dues," shall mean and include all rates, tolls, duties and dues whatsoever imposed by this Act.

Saving of
Her Majesty's
rights, &c.

27. Nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as herein mentioned.

Public Act.

28. This Act shall be deemed a Public Act, and as such, judicially noticed by all Judges, Justices of the Peace and others whom it may concern, without being specially pleaded.

TARIFF.

Tolls, Rates, Duties and Dues to be levied in the Harbour of Quebec, under and by virtue of this Act.

SCHEDULE A.

Tariff of Maximum Rates.

FOR MOORING.

On Steamboats, per ton of their burden per Register, for each day of twenty-four hours they remain, reckoned from the hour of their arrival to that of their departure. 1d.
On all other Vessels, per ton and per day, as aforesaid... ½d.

FOR DISCHARGING AND LOADING.

BY STEAM CRANE OR OTHER MACHINERY.	Discharging	Loading	Wharfage, that is, use of Wharf while goods are being landed or loaded.	Discharging or loading, to include Wharfage and Moorage of Vessel and all expenses.
	at Wharf.	from Wharf.	s. d.	s. d.
Flour or other produce reduc- ed to weight of Flour, per barrel.....	0 1	0 1	0 0½	0 3
Grain, Salt, &c., per bushel..	0 0½	0 0½	0 0½	0 1
Merchandise and other goods, per ton of 2,000 lbs.	1 3	1 3	0 6	2 6

SCHEDULE B.

Goods, Wares, Merchandize, Animals and Things, on which
the Rates affixed to each shall be levied :

Flour and Meal, Fish, Beef, Pork, and other meats,
Tar, Pitch and Rosin, per barrel or per two hundred

pounds - - - - - 1d.

Puncheon Packs or Shooks, Empty Puncheons or
Pipes, Canoes, Carts, Burr Stones and Animals
undescribed, each - - - - - 1d.

Tobacco Clay Pipes, Corks and Matches, per twelve
gross - - - - - 1d.

Spades, Shovels and Axes, per dozen - - - - - 1d.

Baskets, Buckets, Pails and Corn Brooms, per dozen. 1d.

Window Glass, per one hundred feet - - - - - 1d.

Canada Plates, Tin Plates, Lemons and Oranges, per
box - - - - - 1d.

Poultry or Game, per dozen - - - - - 1d.

Untanned Skins (undescribed) per dozen - - - - - 1d.

Apples and other Green Fruit, per minot - - - - - ½d.

Potatoes, Onions, and other Green Vegetables, per
minot - - - - - ½d.

Oysters and other Shell-fish, per minot - - - - - ½d.

Casks, (empty, undescribed,) each - - - - - ½d.

Corn Whisks or Dusters, per dozen - - - - - ½d.

Laths and Shingles, per thousand - - - - - 2d.

Eggs, per thousand - - - - - 2d.

Boats, undescribed, each - - - - - 2d.

Vehicles, undescribed, each - - - - - 2d.

Neat Cattle and Horses, each - - - - - 2d.

Hoop Poles, per hundred pieces - - - - - 3d.

Firewood and Bark, per cord - - - - - 3d.

Empty Bottles, per gross - - - - - 3d.

Hides, per dozen - - - - - 3d.

Ashes, (Pot or Pearl,) per barrel - - - - - 4d.

Cinders and Coke, per chaldron - - - - - 6d.

Coal, per chaldron - - - - - 1s. 0d.

Clay,

Clay, Sand, Lime and Ballast, per ton	- - -	6d.
Timber, per hundred cubic feet	- - -	6d.
Sawed Lumber of every kind, per thousand feet, board measure	- - -	2s. 6d.
Lathwood, per cord	- - -	2s. 0d.
Batteaux and Carriages, each	- - -	2s. 6d.
Buffalo Skins, per dozen	- - -	6d.
Earthenware, (loose,) per hundred pieces	- - -	9d.
Handspikes, Oars and Billets, per hundred pieces	- - -	9d.
Barrel Staves, per mille	- - -	2s. 6d.
Hay and Straw, per hundred bundles	- - -	9d.
Marble, per hundred cubic feet	- - -	2s. 6d.
Stone, (except ballast,) per hundred cubic feet	- - -	2s. 6d.
Puncheon Staves, per mille	- - -	2s. 6d.
Empty Barrels, per hundred	- - -	1s. 3d.
Empty Boxes, per hundred	- - -	1s. 0d.
Grain, Seeds, Indian Corn, Pulse, Malt and Salt, per hundred minots	- - -	1s. 3d.
Railway Sleepers, per hundred pieces	- - -	5s. 0d.
Bricks, Tiles and Slates for roofing, per thousand	- - -	4s. 0d.
Pipe Staves, (Standard,) per mille	- - -	10s. 0d.

SCHEDULE C.

Goods on which there shall be levied a rate of nine pence per one thousand pounds gross weight :

Arrowroot,—Barley, Pot or Pearl,—Batting,—Biscuit,—Bread,—Butter,—Blue,—Brimstone,—Cheese,—Crackers,—Coffee,—Cocoa,—Chocolate,—Candles,—Cork, unmanufactured,—Cordage,—Cotton Wool,—Flax,—Feathers,—Fruit, dried,—Glue,—Grease,—Gunpowder,—Ginger,—Hemp,—Hops,—Honey,—Junk,—Leather,—Lard,—Lampblack,—Nuts of all kinds,—Oakum,—Oil-Cake,—Ochre,—Paints,—Putty,—Rice,—Rags,—Rope,—Sugar, raw or refined,—Soap,—Starch,—Spices,—Sago — Salaratus,—Salts,—Snuff,—Saltpetre,—Sulphur,—Teas,—Tobacco,—Tow,—Tallow,—Wadding,—Wool,—Wire,—Wax,—Wrapping Paper,—Whetstones.

SCHEDULE D.

Goods on which there shall be levied a rate of one shilling and three pence per ton gross weight :

Anchors,—Anvils,—Alum,—Chains,—Metals of all kinds in Pigs, Bar, Bolts, Rods, or Sheets,—Hollow-iron-ware,—Ploughmoulds,—Nails,—Spikes,—Shot,—Stoves,—Ores of all kinds,—Chalk,—Cement,—Gypsum,—P'aster of Paris,—Whiting,—Copperas,—Grindstones,—Millstones,—Dye-woods,—Soda-Ash,—Raft Gear,—Bran,—Shorts,—Luggage,—Bones,—Hoofs,—Horns.

SCHEDULE E.

Goods on which there shall be levied a rate of one shilling per one hundred gallons thereof :

All Liquors, Wines, Oils and Fluids whatsoever, in wood or other packages, except bottles.

SCHEDULE F.

Goods on which there shall be levied a rate of nine pence per ton measurement of forty cubic feet :

Earthenware, Stoneware, Chinaware and Glassware in packages.

SCHEDULE G.

On all Goods, Wares and Merchandize whatsoever not otherwise classed or described, there shall be levied a rate of three shillings and four pence upon every one hundred pounds of the value thereof : Provided always, that upon Goods, the value of which cannot be ascertained satisfactorily, it shall be lawful for the Harbour Commissioners to levy a rate of one shilling and three pence per ton weight or measurement, as they may see fit.

CAP. XXXIII.

An Act to confirm a Resolution or By-law of the Corporation of Montreal, and to empower the Harbour Commissioners of Montreal to erect a Gallery across Capital Street in Montreal.

[Assented to 24th July, 1858.]

WHEREAS by a By-law or Resolution duly made and ^{Preamble.} passed by the Mayor, Aldermen and Citizens of the ^{By-law cited.} City of Montreal, on the twenty-fifth day of May, one thousand eight hundred and fifty-three, permission was granted for the erection by the Harbour Commissioners of Montreal, of an enclosed iron Gallery across Capital Street, in the said City, which permission it is desirable should have legislative sanction : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The said By-law or Resolution is hereby sanctioned and confirmed, and it shall be lawful for the said Harbour Commissioners of Montreal to erect and maintain, and from time to time when necessary to repair or rebuild, an enclosed iron ^{The said By-law of the Corporation of Montreal confirmed, on} Gallery,

certain conditions.

Gallery, across Capital Street aforesaid, connecting the third story of the House known as the "Montreal House," with the building erected on the opposite side of the said Street, by the said Harbour Commissioners of Montreal: such Gallery not to exceed the dimensions referred to in the said By-law or Resolution, to wit, ten feet in height by eight feet in width, and the floor thereof not to be lower than the floor of the third story of the said "Montreal House."

Proviso: reservation of damages to persons injured.

2. Provided always that nothing in this Act contained shall deprive, or be construed to deprive, any proprietor or proprietors, tenant or tenants of property, in the said street, of his or their or any of their rights, claims or remedies, for the recovery of compensation for any damage which the erection and maintenance of the said Gallery shall cause to them, or any of them.

Public Act

3. This Act shall be deemed a Public Act.

C A P. X X X I V

An Act to divide the County of Charlevoix into two County Municipalities.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS the County of Charlevoix, in the District of Saguenay, is of very great extent, and is divided by mountains, hills and roads which are exceedingly difficult to travel, and comprises an island which is separated from the mainland by a large expanse of water, and it is therefore expedient to divide the said County into two County Municipalities, and to leave the Isle-aux-Coudres forming the Parish of St. Louis, as a single Parish Municipality, not attached to any County Municipality: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

First Division of Charlevoix constituted as a County Municipality.

1. The parishes of St. Etienne, called La Malbaie, of Ste. Agnès, of St. Irénée and of St. Fidèle, together with the townships of DeSales and Callières, shall, from and after the first day of October next, constitute a separate County Municipality to be called the *First Municipal Division of the County of Charlevoix*, and shall enjoy all the rights, powers and privileges of a County Municipality under the Lower Canada Municipal and Road Act of 1855, and under all Acts amending the same.

Second Division in like manner.

2. The remaining portion of the said County of Charlevoix, except the Parish of St. Louis de l'Isle-aux-Coudres, shall, from and after the first day of October next, constitute a County Municipality to be called the *Second Municipal Division of the County of Charlevoix*, with all the rights, powers and privileges aforesaid.

3. The first meeting of the Municipal Council of the said First Division shall be held at the Village of the Parish of St. Etienne de la Malbaie, on the second Monday of October next; the first meeting of the Municipal Council of the said Second Division shall be held in the Parish of St. Pierre and St. Paul, known as Baie St. Paul, on the second Monday of October next: The Council for each Division shall consist of the Mayors of the local Municipalities in each division respectively; and this Act shall in no way affect the election of Mayors and Councillors for the local Municipalities.

First meeting of the Council in each Division.

Council how empowered.

4. As regards the Parish of St. Louis, the only Parish on the Isle-aux-Coudres, it shall continue to have its Local Municipal Council as provided by the said Act of 1855, and the Acts amending the same, but it shall not belong to any County Municipality; and all appeals and revisions which, under the said Municipal Acts are to be made to or by County Municipalities, shall be made to and by the Circuit Court in the said District, having jurisdiction over the said Municipality, and the said Court is hereby specially empowered to take cognizance of the matters aforesaid, and to give its decision in the same manner as the County Municipal Council might have done, the Clerk of the said Court being substituted for the Clerk of such County Council.

Parish of St. Louis de l'Isle-aux-Coudres to be a Municipality with certain special powers.

5. The debts and obligations now existing, shall be divided between the said two County Municipalities and the Local Municipality created by this Act, and shall be placed to their debit and credit in proportion to their respective populations.

Debts of the Municipalities.

6. This Act shall be deemed a Public Act.

Public Act.

C A P. X X X V .

An Act to make better provision for the registration of Deeds, in the Counties of Charlevoix and Saguenay.

[Assented to 24th July, 1858.]

WHEREAS it has become necessary for the convenience of the localities hereinafter mentioned, to detach the County of Saguenay from the County of Chicoutimi and to annex it to the County of Charlevoix for all purposes of registration of deeds in relation to the alienation and hypothecation of real estate, and to form two registration divisions out of the said Counties of Saguenay and Charlevoix: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The County of Saguenay shall, for the purposes of registration, be detached from the County of Chicoutimi, which shall thereafter form a registration division by itself.

Saguenay detached from Chicoutimi.

First registration division of Charlevoix and Saguenay.

2. The County of Saguenay and the Parishes of St. Etienne de la Malbaie, St. Agnès, St. Irénée and St. Fidèle and the Townships of Callières and DeSales, shall constitute a registration division to be called the first registration division of the Counties of Charlevoix and Saguenay; and the registry office of the said division shall be held in the Parish of St. Etienne de la Malbaie.

Second division.

3. The remaining portion of the said County of Charlevoix shall form a second registration division, which shall be known as the second registration division of the Counties of Charlevoix and Saguenay, and the registry office of the said division shall be held in the Parish of St. Peter and St. Paul, called Baie St. Paul.

Records of the registry office of Charlevoix to be deposited in the said first division.

4. The books and records, instruments and documents relating to the registration of titles in the County of Charlevoix effected before this Act shall come into force, shall be deposited in the office of the Registrar for the said first division, who is hereby authorized to receive the same, and to make searches, deliver copies, extracts and certificates thereof or therefrom according to law, which shall be of the same validity and effect as if the said books and records had been originally registered in the said office.

Transcripts of certain documents affecting lands in either of the said divisions to be furnished to the Registrar thereon payment of certain fees, &c.

5. Whenever the Municipal Council of the County in which the registry office of either of the said new registration districts is situated, shall have provided funds for paying the necessary expenses, such Council may require any Registrar in whose office there shall be registered any deed, instrument or document affecting real property in such new registration district, to furnish copies thereof to the Registrar of such new registration district, with copies of all entries relative thereto, or such abstract of such registered documents as may be desired, certified by such other Registrar and fairly transcribed in properly bound books to be furnished by the Municipality, the said copies to be paid for out of the funds furnished as aforesaid at the rate of four pence currency for every hundred words, or such other rate as the Registrar furnishing the same and such Municipal Council may agree upon:—And the Registrar of such new registration division may and shall thereafter grant copies of or extracts from, or make searches and grant certificates, and perform all other official acts with respect to such deeds, instruments, documents or entries, as he might do and would be bound to do if the same had been originally registered and made in his registry office, and may demand and take the like fees therefor:—And such copies, extracts, certificates and acts shall *prima facie* avail for all purposes as if granted and performed by the Registrar having the custody of the original books, entries and documents to which they relate, saving the right to prove error therein, and the recourse of all parties against such other Registrar as aforesaid, if the error be in the copies furnished by him

Such copies, &c., to be authentic.

to the Registrar of such new registration division under this Act.

6. Nothing herein contained shall impair the effect of the Act passed in the eighteenth year of Her Majesty's Reign, intituled, *An Act to establish a Registry Office in and for each Electoral County in Lower Canada*, or shall prevent either of the Counties of Saguenay and Charlevoix or Chicoutimi from becoming a registration County under the provisions of the said Act.

Act not to prevent the effect of 18 V. c. 99.

7. So much of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to divide the County of Saguenay into two divisions for the registration of deeds*, or of any other Act or law as may be inconsistent with this Act, is hereby repealed.

Inconsistent provisions of 12 V. c. 131, &c., repealed.

8. This Act shall have force and effect upon, from and after the first day of October next.

Commencement of Act.

9. The Interpretation Act shall apply to this Act.

Interpretation.

10. This Act shall be deemed a Public Act.

Public Act.

C A P. XXXVI.

An Act to divide the Township of Hemmingford, in the County of Huntingdon, into two separate Municipalities.

[Assented to 24th July, 1858.]

WHEREAS certain of the inhabitants of the Township of Hemmingford, in the County of Huntingdon, have, by their petition, represented, that the welfare and convenience of those residing in the western section of the said Township would be greatly promoted if the said Township of Hemmingford were divided into two Municipalities, and have prayed that it may be so divided, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Upon, from and after the first day of January, one thousand eight hundred and fifty-nine, so much of the present Township of Hemmingford as lies in the first range of said Township, from lot number twenty-one to lot number forty-two; in the second range, from the centre of the by-road on lot number seventy-two to lot number ninety-three; in the third range, from the centre of the said by-road, on lot number one hundred and eighteen, to lot number one hundred and thirty-seven; in the fourth range, from the centre of the said by-road, on lot number one hundred and sixty to lot number one

New township of Havelock described and constituted after 1st January, 1859.

To be a township for all purposes.

Remainder of Hemmingford to be a township.

Division of township not to take place until approved at a meeting of the Municipal Electors.

Poll if demanded.

Debts, &c., of the present Township (if any) how to be paid off.

one hundred and seventy-four ; in the fifth range, from lot number one hundred and ninety-six to number two hundred and six ; in the first range of the Clergy Reserve lands, in the said Township, from lot number eleven to lot number fifteen, and lots numbers ten and eleven in the second range of the said Clergy Reserve lands,—including all lots and parts of lots hereinabove mentioned,—shall be separated from the present Township of Hemmingford, and shall form a distinct Township and Local Municipality, under the name of the Township of Havelock, and the said Township of Havelock shall hereafter be deemed to be such separate Municipality for all municipal, school, judicial and other purposes whatsoever, in the same manner and to all intents and purposes as though the said Township of Havelock had always been distinct from, and had never formed part of the said Township of Hemmingford, and shall enjoy and exercise all the rights, powers and privileges conferred by any Acts or laws whatsoever upon Township Municipalities in Lower Canada ; and the remainder of the said present Township shall constitute and remain the Township Municipality of Hemmingford ; and so many of the present Municipal Councillors and School Commissioners as reside within the Township of Hemmingford as hereby constituted, shall, notwithstanding this Act, remain in office, and continue to be Members of the Municipal Council and School Commissioners for the Township of Hemmingford as limited by this Act, until they vacate their seats in due course of law.

2. No division of the Township shall however take place unless the same shall have been approved of at a public meeting of the Municipal Electors of the said Township of Hemmingford, to be called by the Mayor of the said Township, or in his default, by the Senior Justice of the Peace residing therein, by posting up a notice of at least eight days indicating the time, place and object of the same, in at least four public places in the said Township, such meeting to be held before the first day of December next, at the place where the poll at the last General Election was held ; at which meeting the question shall be submitted to the said Electors : and if at such meeting a poll is demanded by six electors, the votes of the electors shall be taken in the manner provided for in the case of a By-law of a Municipality for creating a debt for the purpose of subscribing for stock in a Railway Company.

3. The present debts, obligations and liabilities of the present Township of Hemmingford (if any there be) shall be assumed by the Township of Hemmingford as hereafter to be constituted ; and to enable the said Township to provide for the payment thereof, the Municipality thereof shall be entitled to have and receive all rates and assessments which may be due and collectable in the present Township of Hemmingford at the time of the passing of this Act, and in the event of the amount received from such rates and assessments not being sufficient

sufficient for the payment in full of the said liabilities, it shall be lawful for the County Council of the County of Huntingdon to pass a By-law, providing for a special assessment to be levied in the Township Municipalities hereby constituted, of an amount sufficient for the complete discharge of joint debts and liabilities as may be then still unprovided for.

4. And in the event of any surplus funds remaining in the hands of the Secretary-Treasurer for the present Township of Hemmingford, after all the liabilities of the said Township have been paid and satisfied, it shall be the duty of the said Secretary-Treasurer to make an apportionment thereof between the two Municipalities hereby constituted, such apportionment to be based upon the value of the assessable property in each of the said Municipalities, as shewn by the last Valuation Roll for the present Township of Hemmingford.

Division of any surplus fund.

5. This Act shall be deemed a Public Act.

Public Act.

C A P . X X X V I I .

An Act to authorize the Municipality of the Parish of Ste. Marguerite de Blairfindie, to open a certain road.

[Assented to 24th July, 1858.]

WHEREAS it is expedient to open a road in the Municipality of the Parish of Ste. Marguerite de Blairfindie, in the County of St. John, in Lower Canada, extending from the southern extremity of the Range of La Carrière to the range adjoining the Seignorial line, in the said parish of Ste. Marguerite de Blairfindie, and to facilitate communication in the said parish, and to amend the eleventh paragraph of the fifty-second section of the Lower Canada Municipal and Road Act of 1855 : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

Paragraph 11 of section 52 of 18 V. c. 100.

1. The Municipal Council of the said Parish of Ste. Marguerite de Blairfindie shall be empowered, upon *procès-verbal* duly homologated before it, in conformity with the Lower Canada Municipal and Road Act of 1855, to open a road or communication, commencing at the southern extremity of the Range of La Carrière, and terminating at the range adjoining the Seignorial line, (including the two said ranges), in the line separating the land of David Roy from that of Dame Veuve Eloi Roy, or their representatives ; and the said road shall not have less than twenty-four feet in width, nor more than thirty feet between the ditches, and shall be graded and drained in the manner prescribed by the said Lower Canada Municipal and Road Act of 1855, notwithstanding any provision under the

Council of the Parish empowered to open a certain road.

Width and quality of the road.

the

Proviso.

the said Act to the contrary, and specially the eleventh paragraph of the fifty-second section thereof; Provided that the compensation to be paid by the said Municipality to the proprietors of the land taken for the opening of the said road, shall be established, regulated and paid, subject to the conditions and in the manner prescribed by the said Lower Canada Municipal and Road Act of 1855.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. XXXVIII.

An Act in relation to certain registrations affecting lands in the Township of Acton, and in that part of the Township of Upton situate in the County of Bagot, in the District of St. Hyacinth.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS doubts exist as to the validity of the registration of certain deeds, judicial proceedings, judgments and other documents, affecting and hypothecating certain lands situate in the Township of Acton, in that part of the Township of Upton which was annexed to the former County of St. Hyacinth, by the thirty-fifth section of the Act sixteenth Victoria, chapter one hundred and ninety-four, and in that part of the said township of Upton, which was annexed to the County of Bagot, by the Act eighteenth Victoria, chapter seventy-six; And whereas it is highly important to remove such doubts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Acts, &c., affecting lands in Acton and part of Upton registered since June, 1853, in St. Hyacinth or Drummond, declared legally registered if registered as herein mentioned.

1. All deeds, judicial proceedings, judgments, and other documents, of whatsoever nature, affecting and hypothecating any lands situate in the Township of Acton, and in the said part of the Township of Upton, which was annexed to the said former county of St. Hyacinth, by the said Act sixteenth Victoria chapter one hundred and ninety-four, and which have been registered since the fourteenth day of June, one thousand eight hundred and fifty-three, and also all deeds, judicial proceedings, judgments and other documents of whatsoever nature, affecting and hypothecating lands situate in the said other part of the Township of Upton, which was annexed to the County of Bagot, by the said Act eighteenth Victoria chapter seventy-six, and which have been registered since the nineteenth day of May, one thousand eight hundred and fifty-five, either in the Registry Office for the County of Drummond, or in the Registry Office for the County of St. Hyacinth, shall be deemed and they are hereby declared to have been and to be legally registered, whether such registrations thereof have been effected in the

the Registry Office for the County of Drummond, or in the Registry Office for the County of St. Hyacinth.

2. From and after the passing of this Act, all titles and other documents whatsoever, the registration of which is required by law for the preservation of the privileged or hypothecary claims of parties interested therein, and which relate to lands and tenements situate in the said Township of Acton, and in that part of the said Township of Upton which now lies within the limits of the County of Bagot, in the District of St. Hyacinth, shall hereafter be enregistered in the Registry Office for the County of St. Hyacinth, until such time as a Registry Office shall have been constituted and established, according to law, in the County of Bagot, in which county in such case such registration shall be effected, and in which all subsequent proceedings shall be taken, in conformity with the laws which shall be then in force in this Province.

Such *Actes*, &c., to be registered hereafter in County of Bagot when a Registry Office shall be opened; and how until that time.

3. The local Municipality of the Township of Acton, or the local Municipality of the said part of the said Township of Upton, now included in the County of Bagot, or the Municipality of the said County or the three Municipalities together after having provided the funds to meet the requisite expenses, may require from the Registrar for the County of Drummond, copies of the registrations effected in his office, of *actes*, judicial proceedings, judgments and other documents affecting and hypothecating real property situate in the said Township of Acton, and in that part of the said Township of Upton, now included in the said County of Bagot, or of such extracts from such documents so enregistered as may be required.

Copies of certain documents to be furnished by the proper Registrars.

4. The said copies or extracts shall be certified by the said Registrar for the County of Drummond, and shall be transcribed legibly and in order in books suitably bound to be provided by the said Municipalities, or such one of them as shall have required the said copies or extracts, which the said Registrar for the County of Drummond shall be bound to make and furnish upon being paid therefor out of the funds to be provided as aforesaid, at the rate of four pence currency for every hundred words of such copies or extracts, or such other sum as may be agreed upon between the said Registrar and the said Municipalities separately or collectively.

How to be certified, transcribed and paid for.

5. The said Registrar for the County of Drummond upon receiving payment as aforesaid, shall be bound to transmit the said copies or extracts to the Registry Office for the County of St. Hyacinth, and it shall be lawful thereafter for the Registrar for the said County to give copies and certificates and to perform all such other official acts in relation thereto, as he would do and would be bound to do if the said deeds and other documents had been originally enregistered and made in his own Registry Office, and to demand and receive the same fees therefor, and

Registrar of Drummond, to transmit such copies to St. Hyacinth on being paid for the same.

such extracts, copies, certificates and acts, shall *prima facie* have the same effect as though they had been given and executed by the said Registrar for the County of Drummond, who had the custody of the books, entries and original documents to which they relate, saving however the right of any party to prove error therein, and the recourse of any party against the said Registrar for the County of Drummond, if the error be found in the copies furnished by him to the said Registrar for the County of St. Hyacinth.

Proceeding when a Registry Office is established in Bagot.

6. So soon as a Registry Office shall have been legally constituted and established within the limits of the said County of Bagot, the Registrar for the County of St. Hyacinth, shall then be bound when required so to do, to transmit to the Registrar for the said County of Bagot, the book or books containing the said copies or extracts which shall have been furnished in virtue of this Act, by the Registrar for the County of Drummond, and this without any remuneration.

Contrary provisions repealed.

7. All provisions of law inconsistent with this Act, shall be and they are hereby repealed.

Public Act.

8. This Act shall be deemed a Public Act, and the Interpretation Act shall apply thereto.

C A P . X X X I X .

An Act to divide the Township of Chester into two separate Townships and Local and School Municipalities.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS the eastern and western parts of the Township of Chester, in the County of Arthabaska, are divided from each other by a mountainous tract of country and have no direct practicable communication by road, and it is expedient to constitute the same into two separate Townships and Local and School Municipalities, bounded as hereinafter is set forth: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Township of East Chester constituted.

1. From and after the first day of January next, the whole of the first, second, third, fourth and fifth ranges of the Township of Chester, and the lots numbered from number thirteen to number twenty-eight, both inclusive, of the first range (formerly so called) of the Township of Halifax, which, by the Act passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to alter the limits of the Township of Halifax and the Parish of St. Norbert d'Arthabaska*, were detached from the said Township of Halifax and from the County of Megantic,

20 V. c. 134.

and

and were declared to be annexed to the Parish of St. Norbert d'Arthabaska, in the County of Arthabaska, shall together form a separate Township and Local and School Municipality in the County of Arthabaska, under the name of the Township of East Chester, and shall have all the rights, powers and privileges of a separate Township Municipality under the Lower Canada Municipal and Road Act of 1855, and the several Acts amending the same; and also, of a separate School Municipality under the School Laws of Lower Canada.

To be a Local Municipality for all purposes.

2. From and after the same day, all that part of the remainder of the said Township of Chester, not now comprised within the Parish of St. Christophe d'Arthabaska, shall form a separate Township and Local and School Municipality in the County of Arthabaska, under the name of the Township of West Chester, with the like rights, powers and privileges.

Township of West Chester constituted.

3. This Act shall not be held to discharge any of the lands comprised within either of the said two new Townships, from any liability attaching to them, as having formed part of the Township of Halifax, or Parish of St. Norbert d'Arthabaska, or Township of Chester, respectively, nor yet to affect declaratorily or otherwise, the limits of the said Parish of St. Norbert d'Arthabaska, save only as expressly hereby set forth, that is to say, save only for Municipal, Electoral and School purposes, and from and after the said first day of January next.

Act not to discharge lands in new townships from certain liabilities, &c.

4. This Act shall be deemed a Public Act.

Public Act.

C A P . X L .

An Act to separate part of the Township of Maddington from the County of Arthabaska and to annex it to the County of Nicolet.

[Assented to 24th July, 1858.]

WHEREAS the inhabitants of the north part of the Township of Maddington have by their petitions represented, that it is greatly to their detriment that the part of the said Township in which they reside has been annexed to the County of Arthabaska instead of, as heretofore, forming part of the County of Nicolet, in which all their interests are centred; And whereas by reason of the distance and the want of roads, they can only with difficulty reach the *chef-lieu* of the County of Arthabaska, whilst the *chef-lieu* of the County of Nicolet is only about nine miles distant from that part of the said Township, and is accessible therefrom by good roads; And whereas for these and other reasons it is desirable that the north part of the said Township should be separated from the County of Arthabaska and be annexed to the County of Nicolet, for all purposes whatsoever: Therefore, Her Majesty, by and with the

Preamble.

the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Part of Maddington annexed to Nicolet County.

1. From and after the passing of this Act, all that part of the Township of Maddington situate to the north of the north line of the eleventh range of the said Township, shall be and is hereby separated from the County of Arthabaska and shall form part of the County of Nicolet and District of Three-Rivers, for municipal, judicial, representation and registration purposes, and generally for all other purposes whatsoever, any law to the contrary notwithstanding; Provided always that nothing in this Act shall affect any suit pending when it comes into force.

Proviso.

Public Act.

2. This Act shall be deemed a Public Act.

C A P . X L I .

An Act to incorporate the Town of Stratford.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS the Municipal Council of the Village of Stratford has prayed the Legislature to incorporate the same as a Town, and to extend the limits thereof; And whereas from the large and rapidly increasing population of Stratford, and from its being the County Town of the County of Perth, and being a station both of the Grand Trunk and Buffalo and Lake Huron Railways, it is expedient and necessary to grant the prayer of said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Stratford incorporated as a Town, with certain additions to its limits.

Rights and powers of the Corporation.

1. The Village of Stratford, as described and defined by limits under the Royal Proclamation, bearing date the twenty-third day of September, in the year of our Lord, one thousand eight hundred and fifty-three, together with the following additions, namely,—Lots numbers four and five in the first Concession of the Township of Downie; lots numbers four and five in the first Concession of the Township of Ellice, and lot number forty-six in the second Concession of the Township of North Easthope,—shall, from and after the first day of January, in the year of our Lord, one thousand eight hundred and fifty-nine, be incorporated as a Town to be called the Town of Stratford, with the rights, powers and privileges of incorporated towns in general, and as if the said town had been mentioned and included in the Schedule B annexed to the Upper Canada Municipal Corporations Act of 1849, and with the rights, powers and privileges which shall by virtue of any Act or parts of Acts now in force in Upper Canada, or which shall hereafter be in force, belong to incorporated towns in general; and all the rules, regulations, provisions and enactments therein contained, or which shall in any wise relate or belong to the same, shall apply to the

town

town of Stratford as fully as if the said town had been contained in the said Schedule B, with the exception hereinafter made as regards the first Municipal election.

2. The said Town of Stratford shall be divided into five Wards, the bounds and designations of which shall be as follows, that is to say: Division into five wards.

1. Shakspeare Ward shall comprise that portion of the town formerly forming part of the Gore of the Township of Downie, bounded on the west by the centre of Erie street, on the east by the centre of Downie Road, on the north by the centre of Ontario street, and on the south by the town limits ; Shakspeare Ward.

2. Avon Ward shall comprise that portion of the town formerly forming part of the said Township of Downie, north of the River Avon, and that part of the Township of Ellice west of the Stratford Northern Gravel Road, bounded on the south by the centre of the River Avon, on the east by the centres of Huron, St. George, Mornington and Wellesley streets and the Stratford Northern Gravel Road, and on the north and west by the town limits ; Avon Ward.

3. Hamlet Ward shall comprise that portion of the town formerly forming part of said Township of Downie, south of the River Avon, bounded on the north by the centre of the River Avon and the centres of Huron and Ontario streets, on the east by the centre of Erie street, and on the south and west by the town limits ; Hamlet Ward.

4. Romeo Ward shall comprise that portion of the town formerly forming part of the Township of South Easthope, bounded on the north by the centre of Ontario street, on the west by the centre of the Downie road, and on the east and south by the town limits ; Romeo Ward.

5. Falstaff Ward shall comprise that portion of the town formerly forming parts of the Townships of North Easthope and Ellice, east of the centre of the Stratford Northern Gravel Road, bounded on the south by the centre of Ontario street, on the west by the centres of Huron, St. George, Mornington, and Wellesley streets, and the said Stratford Northern Gravel Road, and on the north and east by the town limits. Falstaff Ward.

3. The Clerk of the Municipality of Stratford for the time being shall be *ex officio* Returning Officer for the purpose of holding the first Municipal Election under this Act, and shall on or before the first day of December next after the passing of this Act, by his warrant, appoint a Deputy Returning Officer for each of the five Wards into which the said town of Stratford is hereby divided, to hold the first election therein; and each Deputy Returning Officer in the discharge of his duty shall Returning Officer and Deputies at the first election.

shall be subject to all the provisions of the Upper Canada Municipal Corporations Acts applicable to the first elections in towns incorporated under the said Acts.

Public Act. 4. This Act shall be deemed a Public Act.

C A P . X L I I .

An Act to incorporate the Village of Southampton, in the County of Bruce.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS the inhabitants of the Village of Southampton, in the County of Bruce, have by their petition represented, that from the rapid increase of the population of the said village, it has become necessary to confer upon it corporate powers, and have prayed that it may be incorporated accordingly, and it is desirable to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Southampton incorporated as a village.

1. From and after the passing of this Act, the inhabitants of the said village of Southampton, shall be a body corporate apart from the Township of Saugeen, in which the said village is situate; and as such shall have perpetual succession and a common seal, with such powers and privileges as are now or shall hereafter be conferred on incorporated villages in Upper Canada, and the powers of such corporation shall be exercised by, through, and in the name of the municipality of the village of Southampton.

Boundaries of the village.

2. The said village shall comprise and consist of the tract of land bounded as follows, that is to say: commencing at the north-westerly angle of farm lot number nine in the twelfth concession of the Township of Saugeen; thence, running northerly along the western boundary of lots number nine in the thirteenth, fourteenth, fifteenth and sixteenth concessions of the said Township; thence, running easterly along the northern boundary of the aforesaid sixteenth concession to, and across the Saugeen River; thence, northerly and westerly along the bank of said River, to the eastern boundary of Craig Street, on a line produced; thence, running northerly along the eastern boundary of said Street to Lake Huron, and into the said Lake on the line of said street produced, five hundred yards; thence, running southerly, keeping a distance of five hundred yards from the shore of Lake Huron, and parallel thereto, to the southern boundary on a line produced, of the allowance for road between the twelfth and thirteenth concessions of the said Township of Saugeen; thence, running easterly along the southern boundary of said allowance for road, to the place of beginning.

3. Immediately after the passing of this Act, it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said village of Southampton, which Returning Officer shall appoint the time and place for holding the first election in the said village, of which appointment the said Returning Officer shall give notice in a newspaper published in the said village, or if there be no newspaper published there; then by notices posted in at least three conspicuous places in the said village ten days before the said election.

Governor to appoint a Returning Officer.

Notice of election.

4. The duties of the said Returning Officer, and the qualifications of voters and persons elected as Councillors at such first election, shall be as prescribed by law with respect to townships in Upper Canada.

His duties: Qualification of voters.

5. The Collector or Township Clerk of the Township of Saugeen, or other person having the legal custody of the Collector's Roll of that Township, for the year of our Lord one thousand eight hundred and fifty-seven, shall furnish to the said Returning Officer, on demand made by him for the same, a true copy of such Roll, so far as the same relates to voters resident in the said village, and so far as such Roll contains the names of the male freeholders and householders rated upon such Roll in respect of real property lying within such limits, the amount of the assessed value of such property for which they shall be respectively rated on such Roll, which copy shall be verified on oath, or as is now required by law.

Copy of Collector's Roll to be furnished to Returning Officer.

6. The said Returning Officer, before holding the said Election, shall take the oath or affirmation now required by law to be taken by Returning Officers for incorporated villages in Upper Canada.

Returning Officer to be sworn.

7. Elections for Councillors for the said village of Southampton, after the year one thousand eight hundred and fifty-eight, shall be held in conformity with the provisions of law applying to incorporated villages in Upper Canada.

Subsequent elections to be as in other places.

8. The several persons who shall be elected or appointed under this Act; shall take the same oaths of office and of qualification now prescribed by law.

Oaths of Officer, &c.

9. The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in villages incorporated under the provisions of the Upper Canada Municipal Acts, and have, use and exercise the same powers and privileges as in the said incorporated villages.

Number and powers of Councillors, &c.

10. From and after the passing of this Act, the said village shall cease to form part of the said township of Saugeen, and shall, to all intents and purposes, form a separate and independent municipality, with all the privileges and rights of an incorporated

Village separated from Township.

Proviso : as to existing debts.

incorporated village in Upper Canada; but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the township of Saugeen aforesaid, but the said village of Southampton shall be liable to pay to the Treasurer of the township of Saugeen aforesaid, in each and every year, until any such existing debt be fully discharged, the same amount which was collected within the said described limits of the said village towards the payment of such debt for the year one thousand eight hundred and fifty-seven, and the same shall be a debt against the said village.

New township councillor to be elected in place of any one residing in Southampton.

11. Any Councillor elected to serve in the township Council of the said township of Saugeen, for the present year, and residing within the above prescribed limits of the said village, shall, immediately on the passing of this Act, cease to be such Councillor, and the duly qualified electors of the said township of Saugeen, not included in the said limits, shall thereupon proceed to elect a new Councillor or Councillors, as the case may be, to serve in the Council of the said township, for the remainder of the year, as in the case of death or resignation provided for by the Municipal laws of Upper Canada.

Township officers not to collect taxes in the village during 1858; how the village taxes for this year shall be raised.

12. The officers of the said Council of the township of Saugeen, shall not proceed to collect any rate or assessment imposed by the said Council for the present year, within the limits of the said village, but the amount which may be required for the purposes of the said village within the present year, shall be based on the assessment of the township Assessor or Assessors for the present year, and shall be collected by the officer or officers to be appointed by the said village Council for that purpose: Provided always, that nothing herein contained shall affect any school section or school rate for the present year, nor the right of any school section to any money already set apart for school purposes; And provided further, that the said village of Southampton shall be entitled to recover from the said township of Saugeen such share of all money apportioned to such township from the Upper Canada Municipalities Fund, prior to the passing of this Act, as shall bear the same proportion to the whole sum so apportioned to the said township as the number of rate-payers resident within the limits of the said village, as shewn by the Collector's Roll of eighteen hundred and fifty-eight, bears to the whole number of rate-payers of the said township; And also provided further, that the said village of Southampton shall be entitled to recover from the said township of Saugeen all money which may have been collected by the said Township for all tavern, shop and auctioneer licenses granted within the limits of the said village for the year eighteen hundred and fifty-eight.

Proviso : as to school rates.

Proviso : as to share of Clergy Reserve Fund.

Proviso : as to tavern, shop, and auctioneer's licenses.

13. The Clerk of the said township shall, and he is hereby required, to furnish to the Clerk to be appointed by the Council of the said village, on demand made by him therefor, a true copy of the Assessment Roll for the present year, so far as the same shall contain the rateable property assessed within the said village, and the names of the owners thereof.

Requisite proportion of Assessment Roll to be furnished for Southampton.

14. The expenses of any assessment imposed for the present year, so far as the same shall relate to assessments made within the limits of the said village, and the expenses of furnishing any documents, or copies of papers and writings, by the Clerk or other officer of the Council of the said township, hereinbefore referred to, or required to be furnished, shall be borne and paid by the said village Council to the said township Council or otherwise as the said Township Council shall require.

As to expenses of assessments for 1858, &c.

15. It shall not be lawful for the Municipal Council of the said village to levy in any one year upon the rateable property of the said village, for the local purposes of the said village, a higher rate than one shilling in the pound on the annual value of the said property as shewn by the Assessment Roll.

Taxes for local purposes limited.

16. Every By-law which shall be passed by the said Municipal Council for the purpose of affording pecuniary aid towards the construction of any public work not entirely within the limits of the said village, or for any other purpose, and whereby any annual rate mentioned in the next preceding section will be increased beyond one shilling in the pound on the annual value of the rateable property of said village, shall, before its final passing, receive the assent of at least two thirds of the Municipal Electors of the said village, at an Election to be held for that purpose.

Certain By-laws to be submitted to the rate payers.

17. From and after the passing of this Act, it shall and may be lawful for the Municipal Council of the said village by By-law to set apart for any special purpose, which special purpose shall be mentioned in such By-law, the whole or any part of the non-resident Land Fund now accruing, or which hereafter may accrue from property in the said village, and to expend the money arising from such Fund in improvements to be made in the said village.

Council may set apart non-resident land fund for certain purposes.

18. This Act shall be deemed a Public Act.

Public Act.

C A P . X L I I I .

An Act to incorporate the Village of Pembroke, in the County of Renfrew.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS the inhabitants of the Village of Pembroke, in the County of Renfrew, have by their petition represented that from the rapid increase of the population of the said Village, it has become necessary to confer upon it corporate powers, and prayed that it may be incorporated accordingly, and it is desirable to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Pembroke incorporated as a village.

1. From and after the passing of this Act, the inhabitants of the Village of Pembroke shall be a body corporate apart from the Township of Pembroke, in which the said Village is situate, and as such shall have perpetual succession and a common seal, with such powers and privileges as are now or shall be hereafter conferred on incorporated villages in Upper Canada ; and the powers of such Corporation shall be exercised by, through and in the name of the Municipality of the Village of Pembroke.

Boundaries of village of Pembroke.

2. The incorporated Village of Pembroke shall comprise the limits and boundaries of the present Police Village of Pembroke as defined by the County Council of the United Counties of Lanark and Renfrew.

Municipal Council to appoint Returning Officer.

3. The Municipal Council of the Township of Pembroke shall, and may, after the passing of this Act, and within one month thereafter, appoint a fit and proper person to be Returning Officer for holding the first Municipal election in and for the said Village of Pembroke, under this Act, which Returning Officer shall appoint a time and place for holding such election, of which appointment he shall give notice in the newspaper published in the said Village, ten days before the said election.

Notice of election.

Returning Officer's duties.

4. The duties of the said Returning Officer, and the qualifications of voters and persons elected as Councillors at such first election, shall be as prescribed by law with respect to Townships in Upper Canada.

Copy of Collector's Roll to be furnished to Returning Officer.

5. The Collector or Township Clerk of the Township of Pembroke, or other person having the legal custody of the Collector's Roll of that township, for the year of our Lord, one thousand eight hundred and fifty-eight, shall furnish to the said Returning Officer, on demand made by him for the same, a true copy

copy of such Roll, and so far as such Roll contains the names of the male freeholders and householders rated upon such Roll, in respect of real property lying within such limits, the amount of the assessed value of such property for which they shall be respectively rated on such Roll, which copy shall be verified on oath, or as is now required by law.

6. The said Returning Officer, before holding the said election, shall take the oath or affirmation now required by law to be taken by Returning Officers for incorporated Villages in Upper Canada.

Returning Officer to be sworn.

7. Elections for Councillors for the said Village of Pembroke, after the year one thousand eight hundred and fifty-nine, shall be held in conformity with the provisions of law applying to incorporated Villages in Upper Canada; the election for the year one thousand eight hundred and fifty-nine shall be held as is hereinbefore provided for the said first election, copies of the Rolls of the said Township for the year one thousand eight hundred and fifty-eight being required to be furnished in the same manner as is provided and required for the said first election, and the Returning Officer for the said election for one thousand eight hundred and fifty-nine, shall be appointed by the Council of the said Village of Pembroke, at their last meeting in the year one thousand eight hundred and fifty-eight, held before the twentieth day of December in that year.

Subsequent elections to be as in other places.

8. The several persons who shall be elected or appointed under this Act, shall take the oath of office and of qualification now prescribed by law.

Oaths of officers, &c.

9. The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in Villages incorporated under the provisions of the Upper Canada Municipal Acts, and have, use and exercise the same powers and privileges as in the said incorporated Villages.

Number and powers of Councillors, &c.

10. From and after the passing of this Act the said Village shall cease to form part of the said Township of Pembroke, and shall to all intents and purposes form a separate and independent Municipality, with all the privileges and rights of an incorporated Village in Upper Canada; but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the Township of Pembroke aforesaid, but the said Village of Pembroke shall be liable to pay to the Treasurer of the Township of Pembroke aforesaid, in each and every year until any such existing debt be fully discharged, the same amount or the same proportion which was collected in the year one thousand eight hundred and fifty-seven, for the payment of such debt, within the said described limits of the said Village.

Village to be separated from Township.

Proviso, as to existing debts.

New Township Councillors to be elected in place of any residing in said village.

11. Any Councillor elected to serve in the Township Council of the said Township of Pembroke, for the present year, and residing within the limits of the said Village, as above described, shall, immediately on the passing of this Act, cease to be such Councillor, and the duly qualified electors of the said Township of Pembroke not included in the said limits, shall thereupon proceed to elect a new Councillor or Councillors, as the case may be, to serve in the Council of the said Township for the remainder of the year, as in the case of the death or resignation of Councillors provided for by the Municipal Acts of Upper Canada.

Township officers not to collect any taxes within the village during 1858.

How village tax to be raised.

Proviso: as to school rate.

12. The officers of the said Council of the Township of Pembroke shall not proceed to collect any rate or assessment imposed by the said Council for the present year, within the limits of the said Village, but the amount which may be required for the purposes of the Village for the present year, shall be based on the assessment of the Township Assessor for the present year, and shall be collected by the officer or officers to be appointed by the said Village Council for that purpose; Provided always that nothing herein contained shall affect any school section or school rate for the present year, nor the right of any school section to any money already set apart for school purposes.

Requisite proportion of assessment roll to be furnished for said village.

13. The Clerk of the said Township shall, and he is hereby required to furnish to the Clerk to be appointed by the Council of the said Village, on demand made to him therefor, a true copy of the Assessment Roll for the present year, so far as the same shall contain the rateable property assessed within the said Village, and the names of the owners thereof.

As to expenses of assessments, &c., for 1858.

14. The expenses of any assessment made for the present year, so far as the same shall relate to assessments made within the limits of the said Village, and the expenses of furnishing any documents or copies of papers and writings by the Clerk or other officer of the Council of the said Township hereinbefore referred to, or required to be furnished, shall be borne and paid by the said Village Council to the said Township Council or otherwise, as the said Township Council may require.

Public Act.

15. This Act shall be deemed a Public Act.

CAP. XLIV.

An Act to amend the Act intituled, *An Act to incorporate the Village of Kemptville*, and to change the limits of the said Village.

[Assented to 24th July, 1858.]

WHEREAS it appears by the petition of the Municipality Preamble. of the Village of Kemptville, and of sundry inhabitants of the said Village, that the inhabitants of that Municipality are desirous of changing the limits of the said Municipality : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The Schedule to the Act passed in the twentieth year of the Reign of Her Majesty, intituled, *An Act to incorporate the Village of Kemptville*, shall be and the same is hereby repealed, and the following Schedule shall be substituted therefor :

Schedule to this Act substituted to that to 20 V. c. 99.

SCHEDULE.

BOUNDARIES OF THE VILLAGE OF KEMPTVILLE.

Commencing in front of the third concession of the Township of Oxford, at a post planted on lot number twenty-six, between land owned by William Henry Bottam, Esquire, and land owned by the Reverend Henry Patton ; thence, southward, along the line between the land of the said William Henry Bottam and the Reverend Henry Patton, in its different bearings, to a certain piece of land used and occupied for a Grammar School House ; thence, along the western boundary of said School land to the public highway ; thence, southward, along the eastern boundary of land now owned by the said William Henry Bottam, to the centre of the south branch of the River Rideau ; thence, along the centre of the said south branch of the River Rideau, a north-eastern course, to the side line between lots twenty-six and twenty-seven ; thence, southward, along the said line between lots numbers twenty-six and twenty-seven to the rear of the said third concession ; thence, eastward, along the rear of the said third concession to the easterly limit of lot number twenty-eight, in the said third concession ; thence, northward, along the side line between lots numbers twenty-eight and twenty-nine to the front of the said third concession ; thence, westerly, along the front line of the said third concession, to the place of beginning.

CAP. XLV.

An Act to incorporate the Village of Embro.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS the Inhabitants of the Village of Embro, in the County of Oxford, have by their Petition represented, that from the rapid increase of the population of the said Village, it has become necessary to confer upon it corporate powers, and have prayed that it may be incorporated accordingly, and it is desirable to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Embro incorporated as a village.

1. From and after the passing of this Act, the inhabitants of the said Village of Embro shall be a body corporate apart from the Township of West Zorra, in which the said Village is situate, and as such shall have perpetual succession and a common seal, with such powers and privileges as are now or shall hereafter be conferred on Incorporated Villages in Upper Canada, and the powers of such corporation shall be exercised by, through and in the name of the Municipality of the Village of Embro.

Boundaries of the village.

2. The said Village shall consist of the east half of each of the lots numbers Eleven and Fourteen, and lots Twelve and Thirteen in the Fourth Concession, and of lots numbers Eleven, Twelve, Thirteen and Fourteen, in the Fifth Concession of the Township of West Zorra.

Returning Officer at first election.

3. Immediately after the passing of this Act, it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said Village of Embro, which Returning Officer shall appoint the time and place for holding the first Election in the said Village, of which appointment the said Returning Officer shall give notice in a newspaper published in the said Village, or if there be no newspaper published there, then by notices posted in at least three conspicuous places in the said Village, ten days before the said Election.

His duties:

Qualification of voters.

4. The duties of the said Returning Officer, and the qualification of the voters and persons elected as Councillors at such first Election, shall be as prescribed by law with respect to Townships in Upper Canada.

Copies of the proper Collector's Roll to be furnished to Returning Officer.

5. The Collector or Township Clerk of the Township of West Zorra, or other person having the legal custody of the Collector's Roll of that Township for the year of Our Lord one thousand eight hundred and fifty-seven, shall furnish to the said Returning Officer on demand made by him for the same,

a true copy of such Roll so far as the same relates to Voters resident in the said Village, and, so far as such Roll contains the names of the male freeholders and householders rated upon such Roll in respect of real property lying within such limits, the amount of the assessed value of such real property for which they shall be respectively rated on such Roll, which copy shall be verified on oath, or as is now required by law.

6. The said Returning Officer, before holding the said Election, shall take the oath or affirmation now required by law to be taken by Returning Officers for Incorporated Villages in Upper Canada. His oath of office.

7. Elections for Councillors for the said Village of Embro, after the year one thousand eight hundred and fifty-nine, shall be held in conformity with the provisions of law applying to Incorporated Villages in Upper Canada; the election for the year one thousand nine hundred and fifty-nine shall be held as is hereinbefore provided for the said first election; copies of the rolls of the said Township for the year one thousand eight hundred and fifty-eight being required to be furnished in the same manner as is provided and required for said first election, and the Returning Officer for the said election for one thousand eight hundred and fifty-nine shall be appointed by the Council of said Village of Embro, at their last meeting in the year one thousand eight hundred and fifty-eight, held before the twentieth day of December in that year. Elections after 1859, to be as in other places.

8. The several persons who shall be elected or appointed under this Act, shall take the same oaths of office and of qualification now prescribed by law. Oaths of office, &c.

9. The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in Villages incorporated under the provisions of the Upper Canada Municipal Corporations Acts, and have, use, and exercise the same powers and privileges as in the said Incorporated Villages. Number and powers of Councillors, &c.

10. From and after the passing of this Act the said Village shall cease to form part of the said Township of West Zorra, and shall, to all intents and purposes, form a separate and independent Municipality, with all the privileges and rights of an Incorporated Village in Upper Canada; But nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the Township of West Zorra aforesaid, but the said Village of Embro shall be liable to pay to the Treasurer of the Township of West Zorra aforesaid, in each and every year until any such debt be fully discharged, the same amount which was collected within the said described limits of the said Village towards the payment of such debt, for the year one thousand eight hundred Village to cease to form part of the Township of West Zorra. Provision as to existing Township debts.

hundred and fifty-seven, and the same shall be a debt from the said Village to the said Township.

As to taxes in Embro for 1858.

11. The Officers of the said Council of the Township of West Zorra shall not proceed to collect any rate or assessment imposed by the said Council for the present year, within the limits of the said Village, but the amount which may be required for the purposes of the said Village within the present year, shall be based on the assessment of the Township assessor or assessors for the present year, and shall be collected by the Officers to be appointed by the said Village Councillors for that purpose; Provided always that nothing herein contained shall affect any School section or School-rate for the present year, nor the right of any School section to any money already set apart for School purposes; And provided further, that the said Village of Embro shall be entitled to recover from the said Township of West Zorra, such share of all money apportioned to such Township from the Upper Canada Municipalities Fund, prior to the passing of this Act, as shall bear the same proportion to the whole sum so apportioned to the said Township, as the number of the rate-payers resident within the limits of the said Village as shewn by the Collector's Roll of one thousand eight hundred and fifty-seven, bears to the whole number of rate-payers of the Township.

Proviso as to school rate.

Proviso as to share of U. C. Municipalities Fund.

Requisite portion of Assessment Roll to be furnished for Embro.

12. The Clerk of the said Township shall, and is hereby required, to furnish to the Clerk to be appointed by the Council of the said Village, on demand made to him therefor, a true copy of the Assessment Roll for the present year, so far as the same shall contain the rateable property assessed within the same Village, and the names of the owners or occupiers thereof.

As to expenses of copies of documents, &c.

13. The expenses of furnishing any documents, or copies of papers or writings, by the Clerk or other Officer of the Council of the said Township hereinbefore referred to, or required to be furnished, shall be borne and paid by the said Village Council to the said Township Council, or otherwise as the said Township Council shall require.

Inconsistent enactments repealed.

14. All Acts and provisions of Acts inconsistent with this Act, so far as the same may affect the said Village of Embro, shall be and the same are hereby repealed.

Public Act.

15. This Act shall be deemed a Public Act.

CAP. XLVI.

An Act to incorporate the Village of Welland in the County of Welland.

[Assented to 24th July, 1858.]

WHEREAS the inhabitants of the village heretofore known as the Village of Merrittsville have by their petition represented, that the said village contains more than seven hundred and fifty inhabitants, and prayed that the said village may be incorporated as the Village of Welland; And whereas the same was duly represented by petition to His Excellency the Governor in Council, praying for the issuing of a proclamation declaring the said village to be an incorporated village, as the statute provides; but owing to the dissolution of Parliament and other causes, it could not be accomplished in time to take effect before the municipal elections held in January last; And whereas it is right that the prayer of the said petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. From and after the passing of this Act, the inhabitants of the village heretofore known as the Village of Merrittsville, shall be a body corporate apart from the Townships of Crowland and Thorold, in which the said village is situate, and as such shall have perpetual succession and a common seal, with such powers and privileges as are now or shall hereafter be conferred on incorporated villages in Upper Canada; and the powers of such corporation shall be exercised by and through and in the name of the Municipality of the Village of Welland.

Village of Welland incorporated.

2. The said Village of Welland shall comprise and consist of the territory contained within the following named boundaries, that is to say: commencing on the north side of the River Welland, at the north-east corner of lot number two hundred and forty-seven, in the Township of Thorold—thence west along the north ends of lots numbers two hundred and forty-seven, two hundred and forty-eight and two hundred and forty-nine in the said Township of Thorold, to the western boundary of the said lot number two hundred and forty-nine—thence south along the western boundary of the said lot to the River Welland—thence across the said River to the north-west corner of lot number twenty-seven in the fifth concession of the Township of Crowland—thence south along the western boundary of the said lot number twenty-seven to the road allowance between the fifth and sixth concessions of the said Township of Crowland—thence east along the southern boundary of the said lot to the south-west corner of lot number twenty-six in the sixth concession of the said Township of Crowland—thence south across the said road allowance and along the western boundary of lot number twenty-six in the sixth

Boundaries of the village.

sixth concession of the said Township of Crowland, twenty-five chains—thence east across the said lot number twenty-six and lot number twenty-five to the allowance for road between lots twenty-five and twenty-four—thence north along the said road allowance to the north side of the road allowance between the said fifth and sixth concessions—thence east along this road allowance to the south-east corner of lot number twenty-three in the said fifth concession—thence north along the road allowance to the north-east corner of lot number twenty-three in the fourth concession—thence west to the River Welland—thence across the River Welland to the place of beginning.

Returning
Officer to be
appointed by
the Governor.

3. Immediately after the passing of this Act, it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said Village of Welland, which Returning Officer shall appoint the time and place of holding the first election in the said Village, of which appointment the said Returning Officer shall give notice in a newspaper published in the County of Welland, and by notices posted in at least three conspicuous places in the said village, ten days before the said election.

His duties :
Qualification
of voters, &c.

4. The duties of the said Returning Officer and the qualifications of the voters and of the persons elected as Councillors at such first election, shall be as prescribed by law with respect to Townships in Upper Canada.

He shall be
furnished
with copies of
proper part of
assessment
roll of Crow-
land and Tho-
rold.

5. The Collectors or Township Clerks of the Townships of Thorold and Crowland, or other persons having the legal custody of the Collector's Rolls of the said Townships respectively for the year of our Lord one thousand eight hundred and fifty-seven, shall furnish to the said Returning Officer, on demand made by him for the same, a true copy of such rolls so far as the same relate to voters resident in the said village, and so far as such rolls contain the names of the male freeholders and householders rated upon such rolls in respect of real property lying within such limits, the amount of the assessed value of such real property for which they shall be respectively rated on such rolls, which copies shall be verified on oath or as is now required by law.

His oath of
office.

6. The said Returning Officer, before holding the said election, shall take the oath or affirmation now required by law to be taken by Returning Officers for incorporated villages in Upper Canada.

Election after
1859 to be held
as in other
villages.

7. Elections for Councillors for the said Village of Welland, after the year one thousand eight hundred and fifty-nine, shall be held in conformity with the provisions of law applying to incorporated villages in Upper Canada; the election for the year one thousand eight hundred and fifty-nine shall be held as is hereinbefore provided for the said first election; copies of

Copies of

the

the rolls of the said Townships for the year one thousand eight hundred and fifty-eight being required to be furnished in the same manner as is provided and required for said first election, and the Returning Officer for the said election for eighteen hundred and fifty-nine shall be appointed by the Council of the said Village of Welland, at their last meeting in the year one thousand eight hundred and fifty-eight, held before the twentieth of December in that year.

proper parts
of assessment
rolls to be fur-
nished.

8. The several persons who shall be elected or appointed under this Act, shall take the same oaths of office and of qualification as now prescribed by law.

Oaths of Coun-
cillors, &c.

9. The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in villages incorporated under the Upper Canada Municipal Acts, and have, use and exercise the same privileges as in the said incorporated villages.

Number and
powers of
Councillors,
&c.

10. From and after the passing of this Act, the said Village of Welland shall cease to form part of the said Townships of Thorold and Crowland, and shall to all intents and purposes form a separate and independent Municipality, with all the privileges and rights of an incorporated village in Upper Canada; but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the Townships of Thorold and Crowland, or either of them, but the Treasurer of the Village of Welland shall be liable to pay to the Treasurer of the Township of Thorold or the Treasurer of the Township of Crowland, as the case may be, in each and every year, until any such existing debt be fully discharged, the same amount which was collected within the said described limits of the said village, heretofore forming part of the said Townships of Thorold and Crowland respectively, towards the payment of such debt for the year one thousand eight hundred and fifty-seven, and the same shall be a debt against the said village.

Village to pay
its proportion
of any debts of
the Townships
of Thorold and
Crowland.

11. The officers of the Councils of the said Townships of Thorold and Crowland shall not proceed to collect any rate or assessment imposed by either of the said Councils for the present year, within the limits of the said village, but the amount which may be required for the purposes of the said village, within the present year, shall be based on the assessment of the Assessor or Assessors of the said Townships for the present year, and shall be collected by the officer or officers to be appointed by the said village Council for that purpose; Provided always that such portion of the amount assessed for County purposes as would have been levied upon the respective portions of the Townships of Thorold and Crowland of which the said village is composed, for the present year, if the said village had not been so incorporated and set apart, shall be collected

As to taxes for
the present
year.

Provido as to
County taxes
for 1859.

by

Proviso as to
Schools.

by the proper officer of the said village, and be by the Treasurer thereof paid over to the Treasurers respectively of the said Townships of Thorold and Crowland; And it is further provided that nothing herein contained shall affect or be construed to affect the school section or sections in which the said village is now situate for the present year.

Village Clerk
to be furnish-
ed with copies
of certain
parts of Town-
ship assess-
ment rolls.

12. The Clerks of the Townships of Thorold and Crowland aforesaid, shall and they are hereby required to furnish to the Clerk to be appointed by the Council of the said village, on demand made by him therefor, a true copy of the Assessment Rolls of the said Townships for the present year, as far as the same shall contain the rateable property assessed within the said village, and the names of the owners or occupiers thereof.

Inconsistent
enactments
repealed.

13. All Acts and provisions of Acts inconsistent with this Act, so far as the same may affect the said Village of Welland, shall be and the same are hereby repealed.

Public Act.

14. This Act shall be deemed a Public Act.

C A P. X L V I I .

An Act to confirm a Proclamation of the Governor General, incorporating the Village of Streetsville, and to legalize and confirm the acts and proceedings of the Municipal Council of the said Village.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS under the provisions of the Act to amend the Municipal Laws of Upper Canada, relating to the incorporation of Villages, passed in the Session held in the twentieth year of Her Majesty's Reign, His Excellency the Governor General did, on the twenty-sixth day of November, in the year of our Lord one thousand eight hundred and fifty-seven, by virtue of an Order in Council, issue his Proclamation under the Great Seal of this Province, setting apart the Village of Streetsville, in the County of Peel, as an incorporated Village within certain boundaries therein described; And whereas the rate-payers of the said Village did thereon elect Councillors, and the Municipal Council of the Village have accordingly proceeded to the exercise of their functions as a Corporation according to the Municipal Laws of Upper Canada; And whereas since the erection of the said Municipal Council, for certain alleged irregularities or informalities in the proceedings to obtain the said incorporation under the aforesaid statutes, doubts have been raised as to the legality of the said Order and Proclamation, and of the acts and proceedings of the Municipal Council of the said Village; And whereas the inhabitants of the said Village have by their Petition represented,

that

that from the rapid increase of the population of the Village it had become necessary to confer upon it corporate powers, and that they are desirous of securing the benefits which they have derived from the said incorporation, and have prayed that the said Proclamation of the Governor General incorporating the said Village, and the acts and proceedings of the said Municipal Council, may be legalized and confirmed, and it is expedient to grant the prayer of the said Petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The said Order in Council and Proclamation of His Excellency the Governor General incorporating the said Village of Streetsville, and also all the acts and proceedings of the Municipal Council thereof, are hereby legalized and confirmed, and the said Village is hereby declared to have been from the date of the said Proclamation, and to be an incorporated village apart from the Township of Toronto in which the said Village is situate ; and as such, has had and shall have perpetual succession and a common seal, with such powers and privileges as are now, or shall hereafter be conferred on incorporated villages in Upper Canada ; and the powers of such corporation shall continue to be exercised by, through and in the name of the Municipality of the Village of Streetsville ; And the boundaries of the said Village shall be such as are prescribed by and in the said Proclamation.

Order in Council and Proclamation incorporating Streetsville confirmed, and the said village declared incorporated.

Boundaries.

2. And whereas a portion of the township of Toronto not included within the limits of the said village as fixed by this Act, is now and has been for several years included within the school sections embracing the said village, and the resident proprietors of the rateable property of the said portion of the township of Toronto, have recently been taxed in common with the rate-payers of the said village for building and furnishing two school houses situate therein for the said sections, and the said school houses will under this Act become the property of the said village ; And whereas it is right to secure the said proprietors who reside without the limits of the said village in the use and enjoyment of the said school houses for a limited period : Therefore, Be it enacted, that notwithstanding any thing in the school Acts of Upper Canada to the contrary, it shall and may be lawful for the inhabitants resident on lots one to eight, inclusive, in the sixth concession, also lots one to eight in the fifth concession, inclusive, and the west halves of lots one to eight in the fourth concession, inclusive, save and except the six hundred acres included in the said village of Streetsville, to have and enjoy all the rights and privileges of residents of the said village, in so far as the privileges and benefits of the Public Common Schools thereof are concerned, for a period not exceeding five years from the commencement of this Act, unless by mutual consent of the parties concerned, and shall, during such period, be liable to the payment of all school rates and assessments

Recital.

Inhabitants of a certain tract to have the same rights as those of Streetsville as regards Public Schools in the said village during five years.

Proviso: for
voluntary se-
paration.

assessments in the same manner as if they were residents of the said village, and as if their rateable property were included within its limits: Provided always that if at any time the said inhabitants or a majority of them shall desire to separate from the said village for school purposes, it shall be lawful for them so to do, by giving to the School Trustees of the said village one year's notice thereof in writing, and the like provision shall also extend to and be available by the inhabitants of the said village, but such notice to be given by the school trustees for the time being to the rate-payers of the aforesaid portion of the township.

The village to
receive a cer-
tain propor-
tion of the U.
C. Municipa-
lities Fund.

3. The said Village of Streetsville shall be entitled to receive from the said Township of Toronto such share of all money apportioned to such Township from the Upper Canada Municipalities Fund, prior to the passing of this Act and now unappropriated, as shall bear the same proportion to the whole sum so apportioned to the said Township, as the number of rate-payers resident within the said village, as shown by the Collector's Roll of the year one thousand eight hundred and fifty-seven, bears to the whole number of the rate payers of the said township.

Public Act.

1. This Act shall be held to be a Public Act.

C A P. XLVIII.

An Act to remedy certain informalities with respect to the Assessment Rolls of the Town of Windsor, in the County of Essex, and the Township of Richmond in the County of Lennox.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS the Municipalities of Windsor and Richmond have, by their Petitions set forth, that the Assessors appointed for the Town of Windsor and the Township of Richmond in the County of Lennox for the present year, have, through negligence, omitted to return their Assessment Roll, and to notify parties assessed by them within the time prescribed by the Assessment Law, and praying that an Act may be passed curing the informality in taking the Assessment of the said Town and Township, in order that any doubt in regard to the legality of the imposition of rates for Municipal purposes for the present year may be removed; And whereas it is expedient to grant the prayer of the said Petitions: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The failure of the Assessors of the Town of Windsor and the Township of Richmond, to make and complete their Assessment

Assessment
not to be inva-

Assessment

Assessment between the first day of February and the first day of May of the present year, and to serve the parties assessed with notice of the value at which their properties have been assessed, shall not invalidate the Assessment of the said Town or of the said Township, either as regards the imposition of rates, or in any other respect.

limited in Windsor and Richmond by the non completion thereof at the proper period.

2. The Assessment Rolls of the Town of Windsor and of the Township of Richmond for the present year, as finally revised and passed by the Courts of Revision, appointed for the said Town and Township respectively, shall, notwithstanding any informality on the part of the said Assessors in making and completing their Assessments, be held to be legal and sufficient in law for all purposes whatsoever, subject nevertheless to the Right of Appeal to the Judge of the County Court according to the Acts in force in that behalf.

Assessment Rolls to be legal and sufficient for all purposes.

Saving right of appeal.

C A P . X L I X .

An Act to legalize the By-law Number Eighteen of the Village of Ingersoll, for raising a certain sum of money therein mentioned.

[Assented to 24th July, 1858.]

WHEREAS doubts have arisen as to the legality of the By-law Number Eighteen of the Municipal Council of the Village of Ingersoll, authorizing the issue of Debentures to the amount of six thousand eight hundred pounds, for the purposes therein mentioned; And whereas Debentures have been issued under the said By-law, and the said Municipality hath petitioned to have such doubts removed and the said By-law declared valid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts and declares as follows:

Preamble.

1. The said By-law, for and notwithstanding such doubts and any irregularities in the passing of the said By-law or matters preliminary thereto, or any insufficiency at law therein, either in substance or form, is hereby legalized and made valid, and shall be held to have been valid from the time of the passing thereof until the objects of the said By-law shall be fully accomplished; and all Debentures issued and proceedings and dealings heretofore made and had, or hereafter to be made and had, under the said By-law, are also hereby declared legal and valid.

The said By-law and debentures issued under it declared valid.

2. This Act shall be deemed a Public Act.

Public Act.

CAP. L.

An Act to re-unite School Section Number Five, in the Township of Trafalgar, in the County of Halton, to the Town of Milton, in the said Township, for School purposes only.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS previous to the incorporation of the town of Milton, in the township of Trafalgar, in the county of Halton, the trustees of school section Number Five, in the said township, were possessed of valuable and commodious school premises, situated within the limits of the said town of Milton; And whereas by virtue of such incorporation, and the said town of Milton thereby becoming a distinct school section, the inhabitants of the said late section Number Five, as at present constituted, have no voice in matters relating to the management of the said school property, to their great detriment and inconvenience, and in order to remedy the same they have prayed that the said town of Milton and the said school section Number Five, may be re-united for school purposes only: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Limits of
Town School
Section and of
Wards in the
Town extend-
ed for School
purposes only.

1. The limits of the school section of the town of Milton, in the county of Halton, shall be extended for school purposes only, so as to include within its limits the said school section Number Five, of the township of Trafalgar, in the said county; And by virtue of such annexation and for School purposes only as aforesaid, all that part of the said school section Number Five, north of the line running between lots numbers thirteen and fourteen, shall be included within the north ward of the said town, the east ward of the said town shall extend eastward from Foster Street and the line dividing the east and west halves of lots eleven and twelve in the second concession, and south of the line between lots numbers thirteen and fourteen aforesaid; and the south ward shall extend west from Foster Street and the line dividing the east and west halves of lots numbers eleven and twelve in the second concession of Trafalgar, and south of the line between lots numbers thirteen and fourteen aforesaid, and shall extend in each direction to the outside limits of the said extended school section.

Six School
Trustees to be
elected for the
extended Sec-
tion under 13,
14 V. c. 48.

2. The said school section of Milton so extended as aforesaid shall elect six trustees under the provisions of the Act thirteen and fourteen Victoria, chapter forty-eight, relating to the election of trustees by town sections; and excepting as regards the election of trustees, all that portion of the school section of Milton as hereby extended, which formerly constituted the school section number five of Trafalgar, shall in all respects

respects be governed by the laws relating to township school sections.

3. The town council of the town of Milton, and the council of the township of Trafalgar, shall assess upon the inhabitants of the said town and of the said former school section Number Five, respectively, amounts equal to the Legislative grants which may from time to time be apportioned to the said school sections respectively; and any further amount that may be required to meet the expenses of the said extended school section shall be raised in the two parts of the said section hereby united, the amount to be raised in each to be in proportion to the number of children of school age in each such part respectively; and it shall be the duty of the said Municipal Council of the township of Trafalgar to pay over to the Superintendent of Common Schools for the town of Milton, such sum or sums of money so raised and apportioned annually, for the support and maintenance of the said united School section.

Assessments for School purposes in the said section.

Payment to Superintendent of Schools.

4. This Act shall have force and effect upon, from and after the twelfth day of January next.

Commencement of Act.

C A P. L I.

An Act to annex School Section No. 3, in the Township of Matilda, in the County of Dundas, to the School Section of the Village of Iroquois.

[Assented to 24th July, 1858.]

WHEREAS previous to the incorporation of the Village of Iroquois, in the Township of Matilda, in the County of Dundas, the Trustees of School Section No. 3 of the said Township of Matilda, within the limits of which the said Village of Iroquois then was, did, by special assessment of the inhabitants of the said School Section, erect within the limits of the said village, a large and commodious stone school house; And whereas by virtue of such incorporation, and the said Village of Iroquois thereby becoming a distinct School Section, the inhabitants of the said section, as at present constituted, have no voice in matters relating to the management of the said School House, to their great detriment and inconvenience, and in order to remedy such injustice they have prayed that the said School Section may be annexed to the Municipality of the village of Iroquois for school purposes only: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. From and after the twelfth day of January next, the present School Section No. 3 of the Township of Matilda, in the County of Dundas, shall, with the Village of Iroquois, in the Village of Iroquois re-united to School the

Section No. 3
of Township
of Matilda.

the said Township of Matilda, form one School Section ir-
respective of the incorporation of the said Village, and the in-
habitants of the said united School Section shall, upon such
union, be at once restored to all the rights and privileges with
respect to the School House above mentioned, and the other
property appertaining to the former School Section, No. 3,
which they would have hitherto enjoyed if the said Village of
Iroquois had not been incorporated.

Six trustees to
be elected for
the united
section under
13, 14 V. c. 48,
which shall
apply to it
with that ex-
ception.

2. The said School Section of Iroquois, so extended as afore-
said, shall elect six trustees under the provisions of the Act
thirteenth and fourteenth Victoria, chapter forty-eight, relating
to the election of trustees by town sections; and excepting as
regards the election of trustees, all that portion of the School
section of Iroquois as hereby extended, which formerly consti-
tuted the School Section No. 3 of Matilda, shall, in all respects,
be governed by the laws relating to township School Sections.

Assessments
on the said
united section
for school pur-
poses.

3. The Municipal Council of the Village of Iroquois, and
the Council of the Township of Matilda, shall assess upon the
inhabitants of the said Town and of the said former School
Section No. 3, respectively, amounts equal to the Legislative
grants which may from time to time be apportioned to the said
School Sections respectively; and any further amount that may
be required to meet the expenses of the said extended School
Section shall be raised in the two parts of the said section
hereby united, the amount to be raised in each to be in propor-
tion to the number of children of school age in each such part
respectively; And it shall be the duty of the said Municipal
Council of the Township of Matilda to pay over to the Superin-
tendent of Common Schools for the Village of Iroquois, such
sum or sums of money so raised and apportioned annually for
the support and maintenance of the said united School Section.

Payment to
Superintend-
ent of Schools.

Public Act.

4. This Act shall be deemed a Public Act.

C A P . L I I .

An Act to amend the Acts relating to the Grand
Trunk Railway Company of Canada.

[Assented to 24th July, 1848.]

Preamble.
18 V. c. 3 .

WHEREAS in pursuance of the powers and provisions of
the Grand Trunk Railway Act, 1854, the lease of the
portion of the Atlantic and St. Lawrence Railway therein men-
tioned has been transferred and assigned to the Grand Trunk
Railway Company of Canada as thereby authorized, and agree-
ments have since been entered into between the last mentioned
Company and the Atlantic and St. Lawrence Railway Com-
pany, whereby the terms and conditions of the said lease and
the

the amount of rent payable in respect thereof have been varied and enlarged, and it is expedient that such agreements should be confirmed and that power should be given to the Directors of the said Grand Trunk Railway Company to make further agreements with the said Atlantic and St. Lawrence Railway Company, as occasion may require, subject to the approval of a general meeting of the Proprietors of the said Company, respectively; And whereas an Act was passed in the Session of the Provincial Legislature of Canada, held in the nineteenth and twentieth years of the Reign of Her present Majesty, intituled, *An Act to grant additional aid to the Grand Trunk Railway Company of Canada*, (hereinafter referred to as the nineteenth and twentieth Victoria, Chapter one hundred and eleven); And whereas it is expedient that the said Act should be amended, and that further provisions should be made for carrying out the undertaking of the said Company, and for giving further powers to the said Company in relation to the completion, working and management of the said undertaking, and that, for the purposes aforesaid and for other purposes, the provisions of the several other Acts relating to the said Grand Trunk Railway Company of Canada should be amended and enlarged: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. In citing this Act for any purpose, it shall be sufficient to use the expression "The Grand Trunk Railway Act of 1858," and the expression "The Company," as herein used, shall denote "The Grand Trunk Railway Company of Canada."

Short Title of this Act.

2. It shall be lawful for the Board of Directors of the Company to enter into and execute any agreement or agreements with the said Atlantic and St. Lawrence Railroad Company for altering or enlarging the terms and conditions of the said lease; Provided always that nothing herein contained shall be construed to the prejudice of the Province or in any way make the Province a party to such agreements, or alter the relative position of the Province and the said Company.

Company may agree with Atlantic and St. Lawrence Railway Company, respecting their lease.

Proviso.

3. In case it shall be deemed expedient by the Company at any time or times hereafter to increase the capital of the Company, such increase may be effected by resolution of the Directors of the said Company, sanctioned and approved by two thirds at least of the votes of the Shareholders voting in person or by proxy at a special general meeting called for that purpose; and the further capital so authorized may be raised by preferential bonds which shall be deemed to be preferential bonds within the meaning of the said recited Act of the nineteenth and twentieth Victoria, chapter one hundred and eleven, and of the Act twentieth Victoria, chapter eleven, and such bonds, together with the preferential bonds already issued under the authority of the said Acts, shall be entitled to

How the capital of the Company may be increased.

to the privileges conferred on preferential bonds by the said Acts,—or such increase of capital may be effected by bonds not preferential, or by mortgage, or by the issue of new shares of such denominations and with such privileges as to priority of dividend or otherwise over the present share capital of the Company, and upon such terms and conditions and at such times and to such persons and in such manner, as the Shareholders so present in person or by proxy shall, by the like proportion of votes, approve or direct. Provided always that nothing herein or hereinafter contained shall in any way alter, affect, postpone or prejudice the claim of the Province upon the said undertaking or the obligations of the Company towards the Province, as settled by the provisions of the several Acts now in force relating to the said Company.

Proviso: Act not to affect the Province lien.

Company may pay interest on the share capital until the works are completed.

Proviso: no such payment after 1860.

4. It shall be lawful for the Board of Directors of the Company, out of the present or any future capital of the Company, to provide and pay such sum as may from time to time, with the earnings of the Company available for dividend, be sufficient to pay interest upon the loan and stock and share capital of the Company, until the completion of the authorized works of the undertaking of the Company; Provided always, that such payment shall not continue to be made upon the stock and share capital, except out of the earnings of the Company, after the first day of May, one thousand eight hundred and sixty.

Order in which the earnings of the Company shall be applied.

Interest on preferential bonds.

On other bonds.

Dividends on shares.

Provincial claim.

Further dividend.

5. And whereas it is expedient to declare the order in which the earnings of the Company, after deduction of the expenses of working and maintaining the Railway, are to be appropriated; Therefore, it is hereby declared and enacted, that, subject to the rights and powers of the Atlantic and St. Lawrence Railroad Company under the said recited lease as to the portion of the undertaking thereby demised, the earnings of the Company, after deduction of working expenses, shall in each half year be appropriated and applied as follows: First, in and towards the payment of the interest upon the amount which for the time being shall have been raised by the issue of preferential bonds as herein mentioned; Secondly, in and towards payment of the interest upon the loan capital of the Company for the time being raised and subsisting upon and in respect of the several classes of bonds and debentures hereinbefore mentioned, other than the said preferential bonds; And thirdly, in and towards payment of a dividend at the rate of six per cent per annum on the Stock and Shares of the Company, —And after payment of such dividend, then, in or towards the payment of the interest on the Provincial Debentures issued in aid of the Company from time to time, to the extent of three million one hundred and eleven thousand five hundred pounds sterling in all; and after payment of such interest, the surplus, if any, shall be applied in payment of a further dividend upon the Stock and Shares of the said Company.

6. The ninth section of the Grand Trunk Railway Act, 1854, is hereby repealed, but such repeal is not to affect any thing which may have been done under the provisions thereof before the passing of this Act, or the position of the Directors, unless or until altered by virtue of the provisions hereinafter contained.

Section 9 of 18 V. c. 33, repealed.

7. And whereas it is expedient to alter and amend so much of the several Acts relating to the Company as have reference to the privilege of voting conferred by Stock or Shares in the Company: Therefore, from and after the passing of this Act, the proportion of votes to the Stock or Shares held in the Company, shall be one vote for every twenty-five pounds sterling of Stock or of shares not yet converted into stock of the Company, so held; and no sum less than twenty-five pounds sterling shall entitle the holder thereof to any vote at any meeting of the Shareholders of the Company: Provided always, that no Stock or Shares, unless *bonâ fide* held for a period of at least three months prior to any meeting of Shareholders, shall confer on the holder thereof any privilege of voting at such meeting.

One vote to be given for each £25 stg. of stock or shares.

Proviso.

8. It shall be lawful for the Company, by resolution of any General Meeting, from time to time to make any alteration in the numbers, rotation, mode of appointing, constitution or composition of the Board of Directors prescribed by the agreement of the twelfth day of April, one thousand eight hundred and fifty-three, and to fix and assign such remuneration as they may think fit to the Chairman, Vice-Chairman, or any other Director or Directors, provided that the number of Directors shall in no case be more than fifteen or less than ten.

Power to alter number, &c., of Directors.

9. It shall be lawful for the Company, with the consent of two thirds of the votes of the proprietors voting in person or by proxy, at any General Meeting convened with notice of the intended object, to accept a lease of the undertaking, or of part of the undertaking, of any other Company that may be or now is formed for the purpose of constructing a Railway in the State of Michigan from or near Port Huron to Detroit, for such term, at such rent, and upon such conditions, as may be agreed upon; and also, to become the purchasers of or jointly interested in the undertaking or part of the undertaking of such Company, and to provide and raise, if necessary, other Capital for such purposes.

Company may accept a lease of other works, &c., with consent of two thirds of the votes of the proprietors.

10. It shall be lawful for the Directors of the Company at any time, and from time to time, to make and enter into any agreement or arrangement with any other Company, either in this Province or elsewhere, for the regulation and interchange of traffic passing to and from the Railways of the said Companies, and for the working of the traffic over the said Railways respectively, or for either of those objects separately, and for the division and apportionment of the tolls, rates and charges in respect

Company may enter into agreements with other Companies for certain purposes.

respect of such traffic, and generally in relation to the management and working of the Railways, or any of them, or any part thereof, and of any Railway or Railways in connection therewith, either by ferry or otherwise, for any term not exceeding twenty-one years, and to provide for the appointment of a Joint Committee or Committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of the votes of two thirds of the proprietors voting in person or by proxy at any General Meeting.

Words in Act 19, 20 V. c. 111 interpreted. **11.** The words "Rivière-du-Loup" when they occur in the Acts nineteenth and twentieth Victoria, chapter one hundred and eleven, and twentieth Victoria, chapter eleven, are hereby declared to mean the Village of Fraserville, in the Parish of La Rivière-du-Loup.

Public Act. **12.** This Act shall be deemed a Public Act.

C A P. L I I I.

An Act to authorize the Grand Trunk Railway Company of Canada to construct a Bridge over the River St. Clair at Sarnia.

[Assented to 24th July, 1858.]

Preamble. **W**HEREAS the Grand Trunk Railway Company of Canada has petitioned for power to build a Railway Bridge over the River St. Clair, from a point in or near the town of Sarnia to some eligible point on the opposite shore, in the State of Michigan, to be called the "Union Railway Bridge," and it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company may take land, &c., for such bridge and for branch Railways. **1.** The said Company shall have full power and authority to purchase, acquire, take and hold such lands, lands covered with water, beaches and other property, as may be necessary for the purpose of constructing the said Bridge or for the convenient using of the same, and also for the construction of such Branch Railways as may be necessary to approach the said Bridge,—Provided such Branch Railways do not in any case exceed three miles for each of such Branches; And provided also, that the sanction of the Governor in Council be obtained in regard to any Public Property required for such purposes, before the same be acquired by the Company.

Proviso: as to length of such branches. **2.** The said Company shall not commence the said Bridge or any work thereunto appertaining, until they shall have submitted to the Governor in Council, plans of the said Bridge and of all the intended works thereunto appertaining, nor until such plans

And as to public property. **3.** The said Company shall not commence the said Bridge or any work thereunto appertaining, until they shall have submitted to the Governor in Council, plans of the said Bridge and of all the intended works thereunto appertaining, nor until such plans

Site, plans, &c., must be approved by the Governor

and the site of the said Bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said Bridge and Works, shall have been complied with; nor shall any such plan be altered or any deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always that in the construction of the said Bridge, the said Company shall not cause any obstruction in, or in any way impede the free navigation of the River St. Clair.

Proviso.

Navigation not to be obstructed.

3. It shall be lawful for any Railway Company whose Railway comes to the said town of Sarnia, with the consent of the Directors of the Grand Trunk Railway Company of Canada, to connect such Railway with the said Bridge, or with some Branch Railway leading to the said Bridge, and to cause their engines and carriages to pass with their freight and passengers over and along the said Bridge and Branch Railway or either of them, and to discharge and receive passengers and freight at any Station or Depôt of the Company constructing the said Bridge, and for the said last mentioned Company to allow the Company first mentioned so to do, upon such terms and conditions as the Directors of the two Companies shall agree upon, and if the gauge of the Railways of the two Companies be different, then the Company constructing the said Bridge may (notwithstanding any clause fixing the gauge of their Railway) so arrange the lines of Rails thereon, and upon the Branch Line leading thereto from the Railway of the other Company, as that the engines and carriages of such other Company may easily pass over the said Bridge, and along the said Branch, and into and out of any such Station or Depôt as aforesaid; and the terms and conditions to be so agreed upon may extend to the payment by the other Company to the Grand Trunk Railway Company of Canada, of a fixed sum once for all, or of an annual sum, or of sums payable from time to time and proportioned to the number of carriages or passengers or the quantity of freight conveyed over the said Bridge, and the services performed or accommodation afforded in respect thereof for such other Company: Provided always, that it shall also be lawful for the Directors of the Grand Trunk Railway Company of Canada, to agree with the Directors of such other Company as aforesaid, that either Company shall receive and convey for the other, passengers and freight between the said Bridge and any Station or Depôt of either Company, and in the carriages of either Company, or shall perform any other service for the other Company, upon such terms and conditions as the Directors of the two Companies shall agree upon; and any agreement made by the Directors of any two Companies under this section shall be binding upon such Companies during the time for which it shall be made, but it shall not be compulsory on the Directors of any Company to make or renew any agreement under this section.

Certain Railway Companies may agree with the said Company for the right of connecting their Railways with the bridge.

Proviso: the Companies may agree as to certain services to be performed by one Company for the other.

The Company may increase its Capital Stock, borrow money, &c., in order to construct the said bridge and works.

Other Railway Companies may subscribe for Stock of the Grand Trunk Railway Company or lend money to it: and may construct works for connecting their Railways with the bridge, and raise money for such purposes.

4. It shall be lawful for the Directors of the Grand Trunk Railway Company of Canada, to increase the Capital Stock of the said Company, by such sum not exceeding the sum of Two Hundred and Fifty Thousand Pounds sterling, as may be requisite for constructing the Bridge and Works hereby authorized, or for enabling them to carry this Act into effect; and such increase may be made either by subscriptions for new stock by the then Shareholders of the Company, or by the admission of new subscribers, or in both ways; and the shares of such additional Stock shall be each of the same amount as the shares of the other Stock of the said Company, and all the provisions of the Act incorporating the said Company shall apply to such additional shares, and to the subscribers therefor or holders thereof, in so far as may not be inconsistent with the express provisions of this Act; or it shall be lawful for the said Directors to raise the said sum partly by such increase of the Capital Stock of the Company as aforesaid, and partly by loan, and for that purpose to issue Debentures of the said Company, to which all the provisions of the Act incorporating the said Company shall apply, as to the Debentures issued under the authority thereof: And it shall be lawful for the Directors of any other Railway Company, on behalf thereof, to subscribe for and hold shares of such additional Stock as aforesaid of the Grand Trunk Railway Company of Canada, and to authorize any person or persons to vote upon such Stock at meetings of the Shareholders of such last named Company, appointing one such person for every hundred shares held by such other Company, and one for any broken number of shares so held less than a hundred; and it shall also be lawful for the Directors of such other Company to lend money to the Grand Trunk Railway Company of Canada, or to guarantee the payment of the principal or interest or both of any Debentures to be issued under this Act by such last mentioned Company, and to construct any Branch Railway or other work which may be necessary for conveniently connecting the Railway of such other Company with the said Bridge, or for enabling such other Company fully to avail itself of the provisions of this Act, and to increase the Capital Stock of such other Company by such sum as may be necessary to defray the cost of any such work, or to pay any sum which shall become payable by such Company under the provisions of this Act, and such increase may be made either by subscription for new Stock by the then Shareholders of such Company, or by admission of new subscribers, or in both ways, or it shall be lawful for the Directors of such Company to raise such sum partly by such additional Stock and partly by loan, and for that purpose to issue Debentures of such Company; and to all such Branch Railways and other works to be constructed under this Section by any Company other than the Grand Trunk Railway Company of Canada, and to all shares of the additional Stock of such Company authorized by this Section, and to the subscribers for and holders thereof, and to all Debentures to be issued by such Company, and other the things

to be done by or on behalf of the said Company under this Section, the provisions of the Act incorporating such Company, as amended by any subsequent Act, shall apply in so far as they may not be inconsistent with this Act.

5. The Guarantee of this Province shall not be extended to any Loan or Debenture to be raised or issued under the authority of this Act or in respect of the said Bridge or any work to be constructed under this Act; and neither the privilege and prior claim of Her Majesty on behalf of this Province by reason of the Guarantee of the Province granted or to be granted to the Grand Trunk Railway Company of Canada, or to any other Railway Company, nor any general hypothec or mortgage given by the said Grand Trunk Railway Company of Canada or by any other Railway Company, before the passing of this Act, shall extend to the said Bridge or to any work constructed solely under the authority of this Act, or to the tolls and profits to be derived therefrom, but the same, and the shares held by any other Company in the Stock of the Company constructing the said Bridge, may be separately hypothecated, mortgaged or pledged, and the claim of Her Majesty on behalf of this Province and any such general hypothec or mortgage as aforesaid, shall rank after any special hypothec, mortgage or pledge to be given upon the said Bridge or works or any of them, for securing any sum of money raised or borrowed for the purpose of constructing the said Bridge or any such work as aforesaid.

Provincial guarantee and claim not to extend to the said bridge and works under this Act.

6. The Grand Trunk Railway Company of Canada, shall commence the Bridge mentioned in this Act, within three years from the passing of this Act, and complete the same for the passage of Railway Carriages and Engines within six years from the same time, otherwise the privileges granted to them by this Act shall cease and determine.

Bridge to be begun in 3 and completed in 6 years.

7. This Act shall be deemed a Public Act.

Public Act.

CAP. LIV.

An Act to amend the Act incorporating the "Canada North West Railway Company."

[Assented to 24th July, 1858.]

WHEREAS it is expedient to extend the time for commencing and completing the Railway authorized to be constructed by the Act of Parliament of this Province, passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, intituled, *An Act to incorporate certain persons under the name and style of the "Canada North West Railway Company."* Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

19, 20 V. c. 25.

Period for
commencing
the said Rail-
way extended.

1. So much of the said Act above cited as in any wise limits the time for commencing or completing the said Railway, is hereby repealed, and the following provisions are hereby enacted and substituted in lieu thereof, that is to say: The said Railway shall be commenced within two years, and completed within five years.

Public Act,
Sec.
19, 20 V. c. 25.

2. This Act shall be deemed a Public Act, and shall be incorporated with and form part and parcel of the said Act, intituled, *An Act to incorporate certain persons under the name and style of the "Canada North West Railway Company,"* as aforesaid.

C A P. L V.

An Act to extend the Charter of the Brockville and Ottawa Railway Company, and for other purposes.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS the Brockville and Ottawa Railway Company have, by their Petition, prayed for an extension of time for the exclusive construction of a portion of their Railway, and for other purposes, and it is expedient to grant the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Exclusive
right of con-
structing a
portion of the
said Railway
extended to
1853.

1. The time limited to the Brockville and Ottawa Railway Company for the exclusive construction and completion of that part of their Railway extending from Arnprior, at or near the mouth of the Madawaska river, to the Ottawa river at or near the Village of Pembroke, in the Township of Pembroke, is hereby extended to five years from the twenty-third day of May, in the year of our Lord one thousand eight hundred and fifty-eight, any law of this Province to the contrary notwithstanding: and for and notwithstanding any thing to the contrary in any law of this Province contained, the said Brockville and Ottawa Railway Company shall have the exclusive privilege of constructing the said Railway from Arnprior aforesaid to the Ottawa River at or near the Village of Pembroke aforesaid, provided the same shall be constructed and in operation within the said term of five years; Provided always, that on completion of the Railway from the City of Ottawa to the Village of Arnprior, the said Brockville and Ottawa Railway Company, shall, upon reasonable request, and at all reasonable times, and with proper despatch, take and conduct the Cars of the Company so completing the said Railway, on and over their said Railway between Arnprior and Pembroke, at and for a price or compensation to be agreed upon between the said Companies: and in case no agreement for compensation shall be made, then at and for a price or compensation to be determined by three

Proviso: Com-
pany bound to
take cars of
another Com-
pany over part
of their Rail-
way for a fair
compensation.

Arbitrators

Arbitrators to be chosen as follows, one by each Company, and the third by the Arbitrators so chosen.

2. The Brockville and Ottawa Railway Company shall have full power to extend their Railway into the Ottawa River at Pembroke and into the River St. Lawrence at Brockville; and by and with the consent of the Governor in Council to connect their said Railway with and include the Block House Island, in front of the Town of Brockville, and to make, erect, keep and sustain such wharves, buildings, fixtures, cranes, quays, and other works for the purposes of their Railway in the said Ottawa River at Pembroke, and in the said River St. Lawrence at Brockville, as to the Brockville and Ottawa Railway Company shall seem meet.

The Railway may extend into the Rivers Ottawa and St. Lawrence at its termini.

3. The interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

4. And so much of the third section of a certain Act of Parliament of this Province passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to incorporate the Bytown and Pembroke Railway Company*, as is inconsistent with the provisions of this Act, is hereby repealed.

Inconsistent parts of 16 V. c. 137, repealed.

C A P . L V I .

An Act to change the name of the North Shore Railway and St. Maurice Navigation Company.

[Assented to 24th July, 1858.]

WHEREAS with the view of facilitating the operations and the sale of the stock of the North Shore Railway and St. Maurice Navigation Company, in accordance with the Petition of the Directors of the amalgamated Company formed by virtue of the Act hereafter mentioned, it is desirable that the name of the said amalgamated Company should be changed: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. From and after the passing of this Act, the North Shore Railway and St. Maurice Navigation Company shall be named and known as the *North Shore Railway and St. Maurice Navigation and Lund Company*, and the said last name shall hereafter be the only name which the said Company shall have, and shall replace its present name, any thing in the Act passed in the twentieth year of Her Majesty's reign, chaptered one hundred and forty-nine, to the contrary notwithstanding; And the free grant of a million and a half acres of land provided by the said Act, shall be granted to the said Company, in such alternate blocks within the water-shed

Name of Company to be changed.

How the free grant of land to the Company may be made.

Such change not to invalidate any proceedings by or in respect to said Company under former name.

of the St. Maurice, as the Governor in Council may direct: Provided always, that nothing contained in this Act shall prevent any By-law, obligation or other document whatsoever, made, passed or executed before the passing of this Act, or the proceedings with reference to any By-law begun before and concluded subsequently to the passing of this Act, in relation to or in favor of the North Shore Railway and St. Maurice Navigation Company, from having as full and complete effect as though the name of the North Shore Railway and St. Maurice Navigation and Land Company were inserted therein.

Day of annual election of Directors.

2. And whereas it is expedient to fix the day upon which the Election of the twelve Directors of the said amalgamated Company shall take place, Be it therefore enacted, that from and after the passing of this Act, the said Election of such twelve Directors of the said amalgamated Company, shall take place annually on the twenty-eighth day of June, or should that day be a Sunday or legal holiday, on the following day not being a Sunday or holiday.

Public Act.

3. This Act shall be deemed a Public Act.

C A P . L V I I .

An Act further to amend the Acts relating to the Stanstead, Shefford and Chambly Railroad Company.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS the Stanstead, Shefford and Chambly Railroad Company have petitioned the Legislature for certain amendments in their Act of Incorporation, and the Acts amending the same, and it is expedient to grant the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Period for the construction of a portion of the Railroad postponed.

1. Notwithstanding any thing contained in the sixth subsection of the twenty-second section of the Act known as *The Railway Clauses Consolidation Act*, or in the Act incorporating the Stanstead, Shefford and Chambly Railroad Company, the said Company may postpone to an indefinite period the construction of that portion of the main line of the said railroad, which lies between the Village of Granby, in the Township of Granby, and the River St. Lawrence; Provided that no Shareholder in the said Company who resided or held real estate in any of the Parishes of St. Paul d'Abbottsford, L'Ange Gardien, St. Césaire, Ste. Marie de Monnoir, St Joseph de Chambly, and Longueuil, at the time when he became a subscriber for the construction of the said road, shall be liable to pay the amount of his subscription until after one half of the said portion of the main line shall

Proviso, in favor of shareholders residing in certain Parishes.

shall have been constructed, and if the said half of the said portion of the main line, beginning at the River St. Lawrence, be not completed within three years from the passing of this Act, every such Shareholder shall be thenceforward and for ever released and exonerated from all liabilities and obligations arising out of his subscription to the undertaking, and shall be entitled to recover back from the Company all moneys paid on account of such subscription.

2. Notwithstanding any thing in the third section of the Act passed in the eighteenth year of Her Majesty's reign, intituled, *An Act to amend the Act incorporating the Stanstead, Shefford and Chambly Railroad Company, and for other purposes*, or in any other Act or law contained, the branch line from the said main line to St. Johns on the Champlain and St. Lawrence Railway, now in course of construction, shall be held and considered for all purposes whatsoever, to be part of the main line of the said Stanstead, Shefford and Chambly Railroad; and all stock subscribed towards the construction of the said branch, as well as all stock subscribed for the construction of the main line (except the subscriptions made by the persons mentioned in the preceding section of this Act,) shall be appropriated indiscriminately to the construction of the whole line of the said road from St. Johns aforesaid, to the point at which the said road will intersect the Province Line.

A certain branch of the Railway made part of the main line.

18 V. c. 185.

Appropriation of Stock to the main line.

3. And inasmuch as great progress has been made in the construction of the said Railroad: Therefore, notwithstanding any thing in the fourteenth section of the Act incorporating the said Company, or in the Acts amending the same, or in any other Act or law contained, the Directors of the Company shall have power, upon being duly authorized by a vote of the majority of the Stockholders in the said Company, present at any Special or Annual Meeting to be held at any time after the passing of this Act, to issue their bonds for the prosecution of the undertaking, in the manner provided by the said last mentioned section of the said Act of incorporation; All bonds so to be issued shall be privileged claims upon all the property of the said Company, and shall bear *hypothèque* without registration on the whole line of road, including the said Branch, and on all the real estate held or hereafter to be held by the said Company; Provided, however, that the said Directors shall not extend the issue of such bonds beyond the sum of three thousand pounds, currency, for each mile of the said road, or two hundred and fifty thousand pounds in all; and that they shall not issue, at any one time, less than the sum of five thousand pounds, currency.

Company may issue Bonds on a vote of the Shareholders.

All Bonds to bear hypothec on the whole Line.

Proviso.

4. Notwithstanding any thing in *The Railway Clauses Consolidation Act* contained, any call of money on the respective Shareholders of the said Company may hereafter be made at a less interval than two months from the previous call, provided that

Intervals between calls.

Votes of contractors taking shares in payment.

that thirty days' notice of every such call be given in such manner as the Directors may deem proper; and to remove doubts as to the right of Contractors holding shares in the said Company to vote at elections of Directors, it is hereby declared and enacted, That any Contractor on the said road who has agreed or shall hereafter agree to take stock in the said road for any part of the work done or to be done thereon, is and shall be entitled to vote, through the President of the Company as his proxy, and not otherwise, upon all stock subscribed for by such Contractor, so long as he shall not have been declared by a resolution of the Board of Directors to have failed to comply with the conditions of his contract.

Mayor of Municipalities holding £5000 stock to be Directors.

5. The Mayor of any Local Municipality liable for the payment of stock in the said Company to the amount of five thousand pounds or upwards, shall be *ex officio* one of the Directors of the Company, with all the power now by law exercised by such *ex officio* Directors, whether such stock be held in whole or in part in the name of such Local Municipality, or in the name of the County of which it forms or heretofore formed part.

Provision for union with a certain U. S. Railway.

6. And for the purpose of facilitating the connection between the said Railway Company and the Connecticut and Passumpsic Rivers Railroad Company, as contemplated and provided for in the original Charter, it shall be lawful for the said Connecticut and Passumpsic Rivers Railway Company, after securing such Legislation as may be necessary from the Legislature of the State of Vermont, to construct from the Province Line in Stanstead, in continuation of their own Railway, a Railroad to the point in Stanstead called the "Benson Place," upon the condition alone however, that the Stanstead, Shefford and Chambly Railway Company shall deem it advisable, (their decision being evidenced by a resolution of the Board of Directors,) to effect such connection between the two above named Railway Companies, at the above named place; and provided further, that the said Connecticut and Passumpsic Rivers Railway Company shall acquire the right of way as provided by law.

Public Act.

7. This Act shall be deemed a Public Act.

C A P . L V I I I .

An Act to authorize the construction of a Tram or Railroad from some point at or near the Marmora Iron Works to some point at or near Colborne Harbour.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS certain persons in the County of Northumberland have petitioned that an Act may be passed authorizing

authorizing the construction of a Tram or Railroad from some point at or near the Marmora Iron Works, in the County of Hastings, to some point at or near Colborne Harbour, in the County of Northumberland; And whereas a Tram or Railroad so constructed would tend to the improvement of the section of country through which it would pass: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Joseph A. Keeler, J. M. Merriman, R. M. Boucher, N. Bennet, J. M. Grover, M. R. Lockwood, John C. Pennock, Stewart Strong, Donald Campbell, together with such other person or persons, as shall under the provisions of this Act become shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of the *Marmora and Colborne Tram or Railroad Company*.

Certain persons incorporated.

Corporate name.

2. The several clauses of the Railway Clauses Consolidation Act, with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said last mentioned Act, with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and duties," "Shares and their transfers," "Municipalities," "Shareholders," "Actions for Indemnity, and fines and penalties and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Tram or Railroad, except only in so far as may be inconsistent with the express enactments hereof; And the expression "this Act" when used herein, shall be understood to include the provisions of the Railway Clauses Consolidation Act, and the several Acts amending the same, which are incorporated with this Act as aforesaid.

Certain clauses of General Railway Act incorporated with this Act.

3. The said Company and their servants and agents shall have full power under this Act to lay out, construct and complete a Tram or Railroad connection between some point at or near the Marmora Iron Works, in the County of Hastings, and some point at or near Colborne Harbour, in the County of Northumberland.

Power to Company to construct a Railway.

4. Deeds and conveyances under this Act for the lands to be conveyed to the said Company for the purposes of this Act, shall and may, so far as the titles to the said lands or circumstances of the parties making such conveyance will admit, be made in the form given in the schedule to this Act marked A; And all Registrars are hereby required to register in their registry books such deeds on the production thereof and proof of

Forms of Deeds and Conveyances under this Act.

of execution, without any memorial, and to minute every such entry on the deeds; The said Company are to pay the Registrar for so doing the sum of two shillings and six pence, and no more.

Provisional
Directors.

5. From and after the passing of this Act the said Joseph A. Keeler, J. M. Merriman, R. M. Boucher, N. Bennett, J. M. Grover, M. K. Lockwood, John C. Pennock, Stewart Strong, and Donald Campbell, esquires, shall be the Provisional Directors of the said Company for carrying into effect the object and purposes of this Act.

Powers and
duties of pro-
visional Di-
rectors.

6. It shall and may be lawful for the Provisional Directors for the time being of the said Company, or a majority of them, to supply the place or places of any of their number from time to time dying or declining to act as such Provisional Director or Directors, out of the several subscribers for stock in their said Tram or Railroad to the amount of at least six hundred dollars each, during the period of their continuance in office; And such Provisional Directors, except as hereinafter is excepted, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and they are hereby made subject unto the like restrictions, as the elected Directors of the said Company, upon their being elected by the Stockholders of the said Company as hereinafter provided, would, under the provisions of the Railway Clauses Consolidation Act and of this Act, become invested with or subject to respectively.

First general
meeting.

7. When and so soon as all the Capital Stock of the said Company shall be taken, and ten per centum thereon shall have been paid into some one of the chartered Banks of this Province, it shall and may be lawful for the Provisional Directors of the said Company for the time being, to call a meeting at the Town Hall in the Village of Colborne of the subscribers for stock in the said Company who have paid ten per centum thereon as aforesaid, for the purpose of electing Directors of the said Company; Provided always, that if the said Provisional Directors shall neglect or omit to call such meeting, then the same may be called by any ten of the holders of shares in the said Company, holding among them not less than three hundred and twenty shares, equivalent to sixteen thousand dollars; And provided always, that in either case public notice of the time and place of holding such meeting shall be given during one month in some one newspaper published in the Village of Colborne, and also in some one newspaper published in each of the Counties through which the said Tram or Railroad shall pass, or be intended to pass, or in such of the said Counties as shall have a newspaper published therein respectively; and at such General Meeting the shareholders assembled, with such proxies as shall be present, shall choose nine persons to be Directors of the said Company, being each a proprietor of shares

Proviso.

Proviso: no-
tice of meet-
ing.

Election of
Directors.

shares in the said Company to an amount of not less than six hundred dollars, and shall also proceed to pass such rules, regulations and by-laws as shall seem to them fit, provided they be not inconsistent with this Act: And provided also, that such ten per centum shall not be withdrawn from such Bank, or otherwise applied except for the purposes of such Tram or Railroad, or upon the dissolution of the Company from any cause whatever.

Proviso.

8. The Directors so elected, or those appointed in their stead in case of vacancy, shall remain in office until the first Wednesday in June, one thousand eight hundred and fifty-nine, and on the said first Wednesday in June, and on the first Wednesday in June in each year thereafter, or such other day as shall be appointed by any by-law, an annual general meeting of shareholders shall be held at the office of the Company for the time being, to choose nine Directors in the room of those whose period of office shall have expired, and generally to transact the business of the Company; but if at any time it should appear to any ten or more of such shareholders holding together sixteen thousand dollars in shares at least, that a special general meeting of the shareholders is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof, in such newspapers as are hereinafter provided, or in such manner as the Company shall by any by-law direct or appoint, specifying in such notice the time and place, and reason, and intention, of such special meeting respectively, and the shareholders are hereby authorized to meet pursuant to such notice and proceed to the execution of the powers by this Act given to them, with respect to the matters so specified only; And all such acts of the shareholders, or the majority of them, at such special meetings assembled, such majority not having either as principals or proxies less than ten thousand dollars in shares, shall be as valid to all intents and purposes as if the same were done at annual meetings.

Directors to be elected annually—their duties.

Special general meetings.

Majority to decide at meetings.

9. For the purpose of making, constructing, and maintaining the Tram or Railroad, and other works necessary for the proper use and enjoyment of the Tram or Railroad by this Act authorized to be constructed, it shall and may be lawful for the Directors of the said Company for the time being, to raise the sum of six hundred thousand dollars, divided into twelve thousand shares of fifty dollars each; Provided always, that not less than two hundred thousand dollars of such capital shall be raised by the issuing of shares; And provided also, that the said capital sum may from time to time, if necessary, be increased by three hundred thousand dollars, or three hundred thousand dollars may be borrowed by the said Company in the manner provided for in those clauses of the Railway Clauses Consolidation Act, which, in and by the second section of this Act, are expressed to be incorporated with this Act.

Directors may raise money by loan or otherwise.

Proviso for increase of capital.

Directors to issue shares, scrip, &c.

10. It shall and may be lawful for the Directors of the said Company for the time being, to make, execute and deliver, all such scrip, and share certificates, and all such bonds, debentures, mortgages, or other securities, as to the said Directors for the time being, shall from time to time seem most expedient, for raising the necessary capital or loans for the time being, authorized to be raised by the said Company, or for raising any part thereof.

One vote for each share.

11. Every proprietor of shares in the said Company shall be entitled, on every occasion when the votes of the members of the said Marmora and Colborne Tram or Railroad Company are to be given, to one vote for every share of fifty dollars held by him.

Debentures, &c., may be payable to bearer.

12. All bonds, debentures, and other securities to be executed by the said Tram or Railroad Company, may be payable to bearer, and all such bonds, debentures, or other securities of the said Company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assigned at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being in their own names; Provided always, that no such bond, debenture or other security shall be for a less sum than one hundred dollars.

Proviso.

Quorum of Directors.

13. Any meeting of the Directors of the said Company, at which not less than five of such Directors are present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

Calls, how made.

14. Calls may be made by the Directors of the said Company for the time being; Provided that no call to be made upon the subscribers for stock in the said Tram or Railroad Company shall exceed the sum of ten per centum upon the amount subscribed for by the respective shareholders in the said Company, and that the amount of any such calls in any one year shall not exceed thirty per centum upon the stock so subscribed; Provided also, that upon the occasion of any person becoming a subscriber for stock in the said Company, it shall and may be lawful for the Provisional and other Directors of the Company, for the time being, to demand and receive, to and for the use of the said Company, the sum of ten per centum upon the amount so by such person respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed, at the time of such person respectively subscribing for stock.

Proviso: ten per cent. to be paid down.

Company may purchase lands for gravel pits.

15. And whereas it may be necessary for the said Company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes, at convenient places along their line of Tram or Railroad, for constructing and

and keeping in repair, and for carrying on the business of the said Tram or Railroad; and as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found; It is therefore enacted, that it shall be lawful for the said Company, and they are hereby authorized, from time to time, to purchase, have, hold, take, receive, use and enjoy along the line of the said Tram or Railway, or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements, and hereditaments which it shall please Her Majesty or any person or persons or bodies politic, to give, grant, sell or convey unto, and to the use of or in trust for the said Company to their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any such lots or blocks of land, and from time to time, by deed of bargain and sale, or otherwise, to grant, bargain, sell or convey any portions of such lands not necessary to be retained for gravel pits, sidings, branches, wood-yards, station grounds, or workshops, or for effectually repairing, maintaining, and using to the greatest advantage, the said Tram or Railroad, and other works connected therewith.

16. The said Tram or Railroad shall be commenced with- Commence-
in three and completed within seven years after the passing of ment of Rail-
this Act. road.

17. The Interpretation Act shall apply to this Act, which Public Act.
shall be deemed a Public Act.

SCHEDULE A.

Know all men by these presents that I (*insert the name of the wife also, if she is to release her dower, or for any other reason to join in the conveyance*), do hereby in consideration of

paid to me (*or as the case may be*) by the Marmora and Colborne Tram or Railroad Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Marmora and Colborne Tram or Railroad Company, their successors and assigns for ever, all that certain parcel or tract of land situate (*describe the land*), the same having been selected and laid out by the said Company for the purpose of their Tram or Railroad; to have and to hold the said land and premises together with every thing appertaining thereto, to the said Marmora and Colborne Tram or Railroad Company, their successors and assigns for ever, (*if there be dower to be released, add*), and I (*name the wife*), hereby release my dower in the premises.

Witness my (*or our*) hand (*or hands*) and seal (*or seals*) this day of _____, one thousand eight hundred and

A. B. (L. S.)

H. L. (L. S.)

Signed, sealed and delivered, in presence of

J. R.

C A P .

C A P . L I X .

An Act to establish the true location of the allowance for Road between the Municipalities of Toronto Gore and Etobicoke.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS the Reeve of the Township of the Gore of Toronto, in the County of Peel, acting on behalf of the Township Council, hath by his Petition to the Legislature represented, that serious difficulties have heretofore existed as to the true location of the allowance for Road between the Municipality of Toronto Gore, in the County of Peel, and that of Etobicoke, in the County of York, and that although it has been in several cases decided in the Superior Courts of Law that the said allowance is located as hereinafter described, and there is no case in which any other decision has been given, but on the contrary there is every reason to believe, for reasons assigned in the said Petition, that the said decision was correct, yet, that for the avoidance of disputes, it is desirable that the true location of the said allowance should be declared by the Legislature; And whereas it appears that the allegations of the said Petition are well founded: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Place of the said allowance defined.

1. The location of the allowance for Road between the said Municipalities of Toronto Gore and Etobicoke, was and is adjoining to but wholly on the eastern side of the original line known as the Indian or thirty-six mile line; and the said allowance is and shall be the public highway between the said Municipalities.

Public Act.

2. This Act shall be deemed a Public Act.

C A P . L X .

An Act to confirm the Survey of part of the Seventh Concession of the Township of Hope in the County of Durham, as made by the late Deputy Provincial Surveyor, John Hewston.

[Assented to 24th July, 1858.]

Preamble.
Case recited.

WHEREAS in the original survey of the Township of Hope in the County of Durham, that part of the concession line in front of the seventh concession west of lot number ten, was not surveyed, but was subsequently in the month of December, in the year one thousand eight hundred and twenty-two, and at later periods, (at the cost of the settlers,) surveyed by the late Deputy Provincial Surveyor, John Hewston,

Hewston, as far as lot number thirty-one, together with many of the side or dividing lines and allowances for roads between the lots, by and according to which surveys, so made by the late John Hewston, the settlers have entered into possession of their several lots or parts of lots, and made and arranged valuable and permanent improvements, in the course of which it was ascertained that by a more northward bearing of the concession line between the seventh and eighth concessions the lots were longer at the west than at the east limit of the said Township, thus causing an overplus through the entire concession, or more land than is mentioned in the original letters patent for the several lots; And whereas in the spring of the year one thousand eight hundred and fifty-seven, at the request of the Municipal Council of the said Township of Hope, and under instructions from the Crown Lands Department, a survey of the said originally unsurveyed portion of the said seventh concession line was conducted by Deputy Provincial Surveyor, George A. Stuart, the adoption of which late survey, so conducted by the said George A. Stuart, would be productive of injurious consequences to the settlers generally: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The survey conducted and made by the said Deputy Surveyor, George A. Stuart, of the originally unsurveyed portion of the said concession line in front of the said seventh concession of Hope aforesaid, shall be and is by this Act set aside and rendered null and void.

Survey of G. A. Stuart set aside.

2. The said concession line in front of the said seventh concession west of lot number ten, shall be and by this Act is established parallel with the line in front of the sixth concession, and at such a distance therefrom as will in all cases leave the lots in the sixth concession of the length of one hundred chains, as indicated by the original survey, and as intended by the survey made by the said John Hewston.

The two concession lines. in the sixth and seventh ranges to be parallel.

3. Each and every the dividing monuments now known or acknowledged as having been fixed as such by the said John Hewston along the said concession line, shall be and by this Act are made, constituted and established as so many of the dividing monuments between lots.

Hewston's Monuments to be valid.

4. Each and every the roads as now opened and travelled between lots numbers ten and eleven, between twelve and thirteen, between fourteen and fifteen, between sixteen and seventeen, between twenty-two and twenty-three, between twenty-eight and twenty-nine, between thirty and thirty-one, shall be severally, and by this Act are, established and declared to be on their proper allowances respectively.

Certain roads confirmed.

5. The Honorable the Commissioner of Crown Lands is by this Act authorized and required to appoint a Surveyor who shall,

Commissioner of Crown Lands shall,

Lands to appoint a Surveyor to complete Hewston's survey.

shall, and by this Act is, authorized and required to fix monuments at the points of lots numbers thirty-two, thirty-three and the gore of thirty-four, in the said seventh concession, to survey the unsurveyed side or dividing lines, according to the monuments fixed by the said John Hewston where such monuments are known, and where such monuments are not known to divide the land equally between the two nearest of such monuments according to the number of lots and allowances for roads, and to draw the said intermediate side lines in accordance with the bearings of the aforementioned side roads, to divide such lots in the said seventh concession west of lot number ten, as are owned by two or more persons according to the titles of the several owners thereof, to fix posts at the several corners of the several lots or parts of lots so surveyed, to ascertain what parties hold or occupy overplus land, and how much such overplus land is held by each such party, to collect from the several parties holding such overplus a rate apportioned upon each such party so holding overplus land in proportion to the quantity of such overplus land so held or occupied, the aggregate or total of which rate shall be a sum of money sufficient to pay the expenses of such survey, the several sums collected from parties in the sixth and seventh concessions for defraying the costs of the survey made by Deputy Surveyor, George A. Stuart, and all such claims for costs, charges, fees, disbursements, retainers, commissions, agencies, travelling, legislating and other expenses necessarily incurred in procuring the passing of this Act, as shall have been presented with satisfactory vouchers to the said Surveyor before the completion of such survey, and to pay out of the first collections, to the parties entitled to receive the same, such last aforementioned sums and claims, retaining the last collections for his, the said Surveyor's, services.

The expenses of such survey shall be paid and also certain other expenses by the holders of surplus land.

Surveyor to file his plans, &c., in duplicate.

6. The Surveyor so appointed shall file in the Crown Lands Office, a certified copy of the plan and report of his operations in virtue of the next preceding section, and also a duplicate of the same in the Registry Office of the County.

Surveyor to determine the sum so payable by each.

7. Each and every the parties so holding or occupying overplus land shall be, and by this Act are, within one month after having been, by the said Surveyor or his agent, served with a written notice stating the quantity of such overplus land so held or occupied, and the sum required to be paid as rated thereon, (such service of notice to be either personal or by leaving such notice with some grown person at the residence of such parties respectively,) required to pay severally the sums as stated in such notices; in default whereof the said Surveyor shall, as plaintiff, sue such parties and his written report shall be *prima facie* evidence in support of such claims.

May sue for the same if not paid.

8. If any of the parties from whom such rate shall have been collected, hold such overplus land as tenants and are subject

subject to the payment of rent therefor, it is by this Act declared that the receipt of the said Surveyor for the payment of such rate, shall be a sufficient bar against the collection of rent due or to fall due, to the amount therein stated to have been paid.

9. This Act shall be deemed a Public Act.

Public Act.

C A P . L X I .

An Act to amend a certain Act relating to La Banque du Peuple.

[Assented to 24th July, 1858.]

WHEREAS La Banque du Peuple, a body corporate and politic, constituted as such under and by virtue of an Act of the Legislature of this Province, passed in the seventh year of Her Majesty's reign, and intituled, *An Act to incorporate certain persons carrying on the business of Banking in the City of Montreal, under the name of "La Banque du Peuple,"* have, by their Petition in that behalf, prayed for certain amendments to an Act passed in the eighteenth year of Her Majesty's reign, intituled, *An Act to increase the capital stock of La Banque du Peuple, and for other purposes,* by extending the delay of five years mentioned in the first section of the last mentioned Act, for the subscription and payment of sixteen thousand shares in the capital Stock of La Banque du Peuple, as regards four thousand of the said shares not yet subscribed for, and it is desirable to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Notwithstanding any thing contained in the said last mentioned Act, the delay of five years mentioned in the first section of the said Act, for the subscription and payment of the sixteen thousand shares of the capital stock, which the said Corporation were by the said Act authorized to add to their capital stock, shall be extended to the eighteenth day of December, one thousand eight hundred and sixty-two, as far as regards the subscription and payment of the four thousand shares of the said capital stock, not yet subscribed for, being part and portion of the said sixteen thousand shares.

Time for subscription and payment of certain shares extended.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . L X I I .

An Act further to amend the Act for the incorporation of the Provincial Insurance Company of Toronto.

[Assented to 24th July, 1858.]

Preamble.

12 V. c. 167.

WHEREAS it is desirable further to amend the Act passed in the twelfth year of Her Majesty's reign, intituled, *An Act to incorporate the Provincial Mutual and General Insurance Company*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

All the Directors to go out yearly.

Proviso: Stockholders indebted to the Company not to vote.

Sec. 11 of 18 V. c. 213, repealed.

Employees of the Company not to be proxies, &c.

Nor any person not himself an elector.

Transfer of Stock not valid without consent of Directors and payment of all calls.

1. Instead of three of the Directors going out of office by rotation in each year, as provided in the seventh section of the said Act, the whole of the Directors of the said Company shall go out of office annually, but shall each be immediately eligible for re-election as a Director; and the election of eleven Directors in the place of those so retiring from office shall be held and made at the general annual meetings of the Company, as provided by the said Act, and the several Acts amending the same; Provided that no member or shareholder of the said Company being a defaulter indebted to the said Company shall, whilst any such default exists, have a right to vote either in person or by proxy at any meeting of the said Company; and that at all meetings of the shareholders, votes shall be allowed to each shareholder, only in proportion to the stock held by such shareholder, as allowed and provided for in voting for the election of Directors.

2. The eleventh section of the Act passed in the eighteenth year of Her Majesty's reign, intituled, *An Act to amend the Act for the incorporation of the Provincial Insurance Company* is hereby repealed; and no agent or employee of the said Company shall be allowed to vote either in person or by proxy, or to hold any proxy from any shareholder, or act as proxy at any election of Directors of the said Company; And no person, not a qualified voter at any such election, shall be proxy for any other shareholder; and the document or instrument appointing any proxy shall be void, unless the name of the proxy to act in virtue thereof shall have been written therein by the shareholder granting the same, previous to his executing the same, and in presence of a subscribing witness.

3. No sale or transfer of stock of the said Company, after any call or calls thereon made and before full payment of such call and calls, shall be valid, or shall in any way discharge any holder of such stock from liability to pay all calls made thereon whilst he was holder of the same, nor shall any transfer of the said stock (unless the whole amount thereof shall have

have been paid up) be valid or effectual for any purpose, unless made with the assent of the Board of Directors of the Company first obtained.

4. The Board of Directors of the said Insurance Company is hereby authorized to appoint from time to time, for the superintendence of certain of the affairs and business of the said Company, Agency or Local Boards for such places and purposes as to the said Board of Directors may seem expedient, each of which to consist of not more than five persons, and to hold office only during the pleasure of the said Board of Directors of the Company, and to be in all matters limited and subjected in its authority to and within such rules, orders and instructions as may from time to time be made or issued respecting any such Local or Agency Board, by the Board of Directors of the said Company, or by the majority of any lawful quorum of the said Board of Directors at any of its meetings.

Local agencies may be appointed subject to the Boards of Directors.

5. The name of the said Insurance Company shall be changed to, and shall hereafter be the *Provincial Insurance Company of Canada*, and by that name, style and title, it shall have the like powers and privileges, and be subject to the like liabilities as the Provincial Insurance Company of Toronto; and such change of name shall not be construed to make the said corporation a new corporation, or in any way to affect any right or liability thereof or any suit, action or proceeding pending at the time this Act shall come into force; and the name hereby assigned to the said corporation, shall be substituted as of course for its former name, in any subsequent record, document or writing, in any such suit, action or proceeding; and any debt, liability, contract, agreement, claim or cause of action heretofore existing, accrued or made by or for the benefit of, or to or with the said Company, and all deeds, bonds, agreements, notes, writings and instruments made with or for the benefit of, or to the said the "Provincial Insurance Company of Toronto," shall remain in full force and effect as if this Act had not passed, and may be sued for, enforced and proceeded upon in the name of "The Provincial Insurance Company of Canada," by which name the said Company may sue and be sued, answer or be answered unto, as well on account of any thing heretofore done or suffered, as for or on account of any thing now or hereafter to be done or suffered, in any wise affecting or concerning the said Company.

Name of the Company changed.

But such change not to affect any suit, &c.

6. Any number not less than ten of the Shareholders of the said Company, who, together, shall be proprietors of not less than one thousand shares of the proprietary Stock of the said Company by themselves or their proxies, or the Directors of the said Company, or any six of them, shall respectively have power at any time to call a special general meeting of the Shareholders of the said Company to be held at their usual place of meeting, in the City of Toronto, upon giving four weeks

Special general meetings may be called in a certain manner.

weeks previous public notice thereof, and specifying in such notice the object or objects of such meeting.

Public Act.

7. This Act shall be deemed a Public Act.

C A P . L X I I I .

An Act to incorporate the Yamaska Navigation Company.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS Jonathan Saxton Campbell Wurtele, Gaspard Aimé Massue, Timothée Brodeur, Charles Blain, Ovide Joseph Paradis, Gaspard Timothée Peltier, Joseph Dansereau, Robert Langley Hayden, and Augustin Cantin, have, by their petition represented, that an association was formed by Deed made and passed before Maitre Jean Baptiste Commeault and his colleague, Notaries, at St. Michel d'Yamaska, on the twenty-eighth day of January last, under the name and style of the "Yamaska Navigation Company," in and to which they, with other persons, are Stockholders and subscribers, with a view of promoting the public interest, by providing for the parishes situated on the Rivers Yamaska and St. Lawrence, between St. Hugues and Montreal, and the intermediate ports, and for the convenience of commerce and travellers generally, the advantage of steam Navigation; and that for the purposes aforesaid, the said Company now have in course of construction, a steamboat to be called the "Yamaska," and which will be ready for service at the opening of the approaching season of navigation, between St. Hugues and Montreal; that the capital of the said Company is at present Twelve Thousand Two Hundred Dollars, divided into six hundred and ten shares, of twenty dollars each, and that they desire to have power to increase the same to the sum of forty thousand dollars, in shares of the same amount, for the purchase or construction of new steamboats, and for the erection of such wharves and landing places as the said Company may deem requisite, and for the greater accommodation of the inhabitants of the ports or places that may be touched at by the boats of the said Company; And whereas the said Company might be placed in a position obliging them to sue or to be sued in the transaction of their business; And whereas the said Company has for its object the facilitating and promotion of the inland navigation of this Province, and with the view of the attaining their purpose with greater facility, the said Company have prayed to be incorporated: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

INCORPORATION.

1. The said Jonathan Saxton Campbell Wurtele, Gaspard Aimé Massue, Timothée Brodeur, Charles Blain, Ovide Joseph Paradis, Gaspard Timothée Peltier, Joseph Dansereau, Robert Langley Hayden, and Augustin Cantin, and all other persons who are now in accordance with the Deed of Partnership above referred to, or who may hereafter become Stockholders in the said Company, and their several heirs, executors, administrators, curators and assigns, shall be a body politic and corporate, under the name of the "Yamaska Navigation Company," and shall by that name have perpetual succession and a Common Seal, and by the same name shall be capable of suing and being sued in all Courts of Justice in this Province. All the property, rights and actions belonging to the said association shall be, and they are hereby transferred to the said Corporation, and from and after the passing of this Act, the said Corporation shall be the proprietor thereof, and all the debts and obligations of the said Association shall be acquitted and performed by the said Corporation.

Certain persons incorporated.

Corporate name and powers.

OBJECTS OF THE COMPANY.

2. The said Company may, and they are hereby authorized and empowered to construct, acquire, charter and maintain, and navigate on the River Yamaska and the River St. Lawrence, any steam or other vessels for the purposes of carriage or forwarding on such terms as the said Company may deem advisable for their pecuniary profit or otherwise, of goods, freight or passengers, from the parishes situated on the said Rivers Yamaska and St. Lawrence, between St. Hugues on the said River Yamaska and the City of Montreal, and between all or any of the said Parishes and St. Hugues or Montreal, and *vice versa*; and to carry and forward on such terms and conditions as to reward therefor, pecuniary profit or otherwise, as to the said Company may seem advisable, on the said Rivers Yamaska and St. Lawrence, between St. Hugues and Montreal, any goods, chattels, freight or passengers whatever, to tow and make voyages with the said steamboats, elsewhere than over the course hereinabove mentioned upon the said River St. Lawrence and its tributaries, when and as often as the said Company shall deem advisable, and this upon such conditions as the said Company shall think proper for its pecuniary profit, and to carry and convey upon such terms and conditions with respect to remuneration and pecuniary profit, as the said Company shall think proper, all merchandize, chattels, passengers and freight whatsoever, and to insure the property of the said Company, against all losses by accidents by fire, by perils of navigation, or otherwise, as to the said Company may seem expedient, and generally to carry on and transact all such business and do all such matters and things as may be incidental

Company may purchase, &c., vessels for carrying and towing on the rivers Yamaska and St. Lawrence.

Power to sell
or mortgage
their property.

incidental to the carrying out the objects of the said Company, or the powers and authorities herein contained, or necessary or expedient to the more effectual or profitable prosecution thereof, and to sell, mortgage or dispose of the stock or property of the said Company, or any part thereof, from time to time, when and as may be deemed expedient, and to enter into any contract or arrangement with any bodies politic or corporate, or other persons whomsoever for the joint or better execution of such objects, powers or authorities or otherwise, for the benefit of said Company.

Company may
own wharves,
warehouses,
&c.

3. It shall be lawful for the said Company to purchase, take, hold and enjoy to them and their successors, such lands, wharves, docks, warehouses, offices and other buildings as they may find necessary or convenient for the purposes of the said Company, but not for any other purpose, and to sell, hypothecate, lease and dispose thereof when no longer required for the purposes of the said Company, and to purchase and acquire others in their stead ; Provided always that the value of such real estate, wharves, docks, warehouses, offices and other buildings, shall not exceed the sum of four thousand dollars ; and it shall also be lawful for the said Company to build, purchase, charter and maintain a small steamboat, and to run the same upon the river St. Lawrence and the river St. Francis for the purpose of carrying and transporting upon such terms as the Company may deem expedient for their pecuniary profit, goods, chattels, passengers and freight from the parishes situated on the said river St. Francis, between the said parishes and the Chenal du Moine, in connection with their other steamboats, and to carry and transport upon such terms and conditions with respect to remuneration and pecuniary profit as the said Company shall think proper, upon the said river St. Francis and the river St. Lawrence, all goods, chattels, passengers and freight whatsoever.

Proviso.

Company may
own a steam-
boat for cer-
tain other
purposes.

CAPITAL OF THE COMPANY.

Amount of
capital stock,
and number of
shares.

4. The capital of the Company is fixed at twelve thousand two hundred dollars, divided into six hundred and ten shares of twenty dollars each, with power to increase the same at any general meeting of the said Company to two thousand shares, or forty thousand dollars : The six hundred and ten shares which now constitute the capital of the Company belong to the shareholders named in the Deed of Partnership hereinbefore cited in the proportions therein mentioned ; and Stock Books shall be opened for any increase of the capital stock which the Company may hereafter decide upon.

Payment of
shares, when
and how to be
made.

5. It shall be lawful for the Directors of the said Company to require payment of the six hundred and ten shares now constituting the capital stock thereof, subject to the terms stipulated in the Deed of Partnership hereinbefore cited, and any

any addition thereto, by such instalments as they may deem expedient: Provided always that not more than twenty per cent. of the amount subscribed be demanded at any one time, and that the period of one month shall elapse between each instalment. Proviso.

6. The Capital of the said Company shall be employed in the payment of the preliminary expenses incurred for the establishment of the said Company, and for the construction and equipment of the said steamboat "Yamaska," and of such other steamboats as the said Company may think fit to construct or acquire, and for the acquisition and construction of the lands, quays, warehouses, offices and other buildings which the said Company may deem necessary, and for no other purpose or object whatsoever. Employment of the capital.

7. The shares of the said Company shall be deemed moveable property, and shall be transferable to others, by the persons to whom they belong; Provided always that the transferor shall be held personally responsible to the Company for all or any part of the shares by him subscribed, and which may be found to be due by him at the time of such transfer. Shares to be deemed moveable property.
Liability after transfer.

8. The Company shall keep a book, to be called The Register of Shareholders, in which shall be entered from time to time the names and occupations of the different persons who shall be shareholders in the said Company, their places of residence respectively, and the number of shares to which the shareholders are severally entitled. Register book of shareholders to be kept.

9. The Directors of the said Company shall from time to time issue to each of the shareholders respectively certificates under the seals of the said Company, signed by the President and Vice-President and countersigned by the Secretary-Treasurer, specifying the number of shares belonging to such stockholder; The certificates shall be in the form of Schedule A annexed to this Act, and they shall be transmitted back to the said Company whenever a transfer of shares shall take place, and new certificates shall be issued to the parties entitled thereto. Certificates to be issued to Stockholders.

10. The transmission of shares shall be effected by Deed of conveyance in form of Schedule B of this Act; The transfer shall be signed by the transferor and accepted by the transferee, and shall be delivered with the certificate of the transferor to the Secretary-Treasurer of the Company, who shall enregister the same in a book to be called the Register of Transfers, and a new certificate or new certificates shall be granted in the manner hereinabove mentioned. How transfers of shares shall be effected.

11. It shall be lawful for the said Company to sue for and recover any unpaid instalment, with interest, from any shareholder, by means of an action in any Court having jurisdiction Company may sue for and recover un-

paid instalments.

to the amount claimed, and the Directors of the said Company shall have the right, at the expiration of thirty days after notice to that effect duly given to the party, to forfeit the shares of any stockholder who shall not have paid any instalment which may have fallen due, and this whether before or after judgment for the recovery thereof.

RESPONSIBILITY OF SHAREHOLDERS.

Responsibility of Shareholders limited.

12. The shareholders as such shall not be held responsible for any claim, engagement, loss or payment, nor for any damage, transaction, matter or thing relating to or in connection with the said Company, or any obligations, acts or defaults of the said Company, beyond the amount of their shares respectively, or the amount still remaining unpaid thereon.

ADMINISTRATION OF THE COMPANY.

Board of Directors constituted.

13. The business of the Company shall be transacted and administered and its powers exercised by a Board of nine Directors, six of whom shall be selected from among the shareholders residing in the parishes of St. David, St. Hugues, St. Guillaume, St. Michel d'Yamaska, St. Aimé, and St. Marcel, and three from among the other shareholders in the Company.

Qualifications of Directors.

14. Every Director shall be the proprietor of at least five shares, which shares shall be inalienable so long as he shall continue to hold office.

Election of Directors.

15. The Directors shall be elected and appointed every year at the annual general meeting of the Company, by the shareholders then present, in person or by proxy.

Present Directors continued.

16. The present Directors and President of the said Yamaska Navigation Company, shall remain in office as such until the next annual general meeting.

Appointment of officers.

17. The Board of Directors shall meet yearly, within a fortnight after their election, and shall elect, from among its members, a President and Vice-President, and shall appoint a Secretary-Treasurer.

In case of death, resignation, &c.

18. In case of the death, prolonged absence from the country, or of the resignation of one of the Directors, or refusal on his part to accept the office, the Board of Directors shall appoint another in his place.

Quorum.

19. At all meetings of the Directors, five of them shall constitute a quorum; the questions shall be decided by the majority of the Directors present, and in case of equal division the President shall have a casting vote.

Casting vote.

20. The President, or in his absence the Vice-President, shall call meetings of the Directors whenever the occasion shall require, and in the event of their failure or neglect to do so, any two Directors may call a meeting: the meetings of Directors shall be summoned by circular letters, transmitted by post, at least eight days before the meeting.

Duties of President.
Meetings.

21. The Board of Directors shall appoint such agents, sub-agents, captains or other servants, as may be necessary for the carrying on the business of the said Company, and shall remove the same when they think proper and desirable; they shall appoint auditors for the auditing of the accounts, and shall fix the remuneration of the Secretary-Treasurer, and of all the servants of the Company, and the security to be taken where any security is required, from any of them, for the faithful execution of their respective duties.

Duties of Board of Directors.

22. The Board of Directors shall make By-laws for the conduct and administration of the affairs of the Company, which shall not be contrary to the laws of this Province, nor to the provisions of this Act, and which they shall deem useful and necessary, and shall change, amend, revoke and revive them as they may deem expedient.

By-laws.

23. Books of account shall be kept at the office of the company, in which shall be regularly entered and transcribed all the affairs and transactions of the Company, and books shall also be kept on board the steamboats, in which shall, regularly and strictly, be entered and transcribed all the receipts and expenditure (by the servants of the Company) of the said Company on board thereof.

Books of account.

24. The President shall superintend the administration of the affairs of the said Company, and shall preside at the general meetings, and at those of the Board of Directors; in his absence the Vice-President shall discharge his duties, and in the absence of both from the meetings, a temporary President shall be appointed.

President to preside at meetings, &c.

25. The Secretary-Treasurer shall keep minutes of the proceedings of the Board of Directors, and of the general meetings of the Company, shall receive the moneys of the said Company, and shall be responsible therefor, and shall keep the books of account and the other books of the said Company.

Duties of Secretary-Treasurer.

26. Every contract, agreement, engagement or bargain by the Company, or by one or more of the Directors, or by any agent or agents of the Company on behalf of the said Company, and every promissory note made or endorsed, and every bill of exchange drawn, accepted or endorsed on behalf of the Company, by such Director or Directors, agent or agents, in general accordance with the powers to be devolved to and conferred on them

Contracts, &c., to be binding on Company.

Proviso—
against Bank-
ing.

respectively, under the said By-laws, shall be binding upon the said Company; and in no case shall it be necessary to have the Seal of the Company affixed to any such contract, agreement, engagement, bargain, promissory note or bill of exchange, or to prove that the same was entered into, made or done in strict pursuance of the By-law, nor shall the Agent be thereby subjected individually to any liability whatsoever; Provided always that nothing in this section shall be construed to authorize the said Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a Bank.

Office of Com-
pany.

27. The Board of Directors of the said Company shall, from time to time, fix the place at which the office of the said Company shall be kept, and may change the same whenever they shall think proper so to do.

GENERAL MEETINGS AND ELECTIONS OF DIRECTORS.

Annual gene-
ral meeting.

28. The annual general meeting of the said Company shall be held at the Village of St. Aimé, on the first Wednesday of the month of February in each year, for the election of Directors, and for the general transaction of the business of the Company.

Special gene-
ral meetings.

29. A special general meeting of the shareholders shall be called by the Board of Directors, for the consideration and transaction of the affairs of the Company, whenever the affairs of the Company may render the same necessary, and notice thereof shall be given by circular letters, specifying the purpose of the meeting, forwarded by post at least eight days before such meeting.

Proceedings at
general meet-
ings.

30. The shareholders may be present and vote at general meetings, either in person or by proxy, the holders of the proxies being shareholders authorized in writing in the form of Schedule C of this Act. All questions shall be decided and the Directors shall be elected and appointed by a majority of the votes of the shareholders, and in case of an equality of votes the President shall have the casting vote.

Number of
votes accord-
ing to number
of shares.

31. Each shareholder shall be entitled to a number of votes, proportioned to the number of shares which he shall hold in his own name, at least one month before the period of voting, in the proportion following; one vote for every share up to five inclusively; one vote more for every two shares above five exclusively up to fifteen inclusively; and one vote more for every five shares above fifteen.

ANNUAL STATEMENTS OF ACCOUNT AND DISTRIBUTION OF PROFITS.

Annual bal-
ance sheet to
be prepared.

32. The financial position of the Company shall be ascertained on the thirty-first day of December in each year:
The

The Board of Directors, after the balance shall have been completed, shall declare such annual dividends of the profits of the said Company as shall seem to them expedient, or shall ascertain the losses, if any, and shall submit them for the confirmation of the annual general meeting. Dividends to be declared.

33. An exact and detailed statement shall be made each year of the affairs, debts, credits, profits and losses, which said statement shall be entered on the books of the said Company, and the books shall be open to the inspection of all the shareholders. Annual statement.

34. The auditors of the said Company shall, every year, during the fifteen days preceding the annual general meeting, meet at the office of the said Company, shall audit the accounts of the previous year, and shall make their report to the said meeting. Auditors,—their duties, &c.

GENERAL PROVISIONS.

35. Any service effected at the office of the Company, or upon the President, shall be deemed sufficient in all Courts of Justice in this Province. Any stockholder not being in his individual capacity a party to a suit, shall be competent as a witness in such suit. Service of process.

36. If any writ of *saisie-arrêt* be served upon the said Company, the President, Secretary-Treasurer, or any agent thereof, may in such case appear in obedience to such writ, and make such declaration, according to Law, as the circumstances of the case may require; and such declaration shall be considered and received in all Courts of Law in Lower Canada as the declaration of the said Company. In case of saisie-arrêt.

37. This Act shall be deemed to be a Public Act. Public Act.

SCHEDULES REFERRED TO IN THE ABOVE ACT.

SCHEDULE A.

YAMASKA NAVIGATION COMPANY.

Number

These are to certify that A. B., of _____, is proprietor of _____ shares in the Yamaska Navigation Company, subject to the rules, orders and regulations of the said Company; and that the said A. B., his heirs and assigns, are entitled to the profits and advantages of the said shares

Given under the Common Seal of the said Company, on the _____ day of _____, in the year of our Lord

SCHEDULE

SCHEDULE B.

YAMASKA NAVIGATION COMPANY.

I, A. B., of _____, in consideration of the sum of _____ to me paid by C. D. of _____, do hereby assign and convey to the said C. D. _____ shares in the Yamaska Navigation Company, to be enjoyed by the said C. D., his heirs and assigns, subject to the same conditions under which I held them.

And I, the said C. D., do hereby agree to accept and take the said shares, subject to the same conditions.

In testimony whereof, we have signed the present assignment, at _____, the _____ day of _____

Witness :

SCHEDULE C.

YAMASKA NAVIGATION COMPANY.

I, A. B., of _____; one of the shareholders of the Yamaska Navigation Company, do hereby appoint C. D., of _____, to be my proxy, to vote in my absence for me and in my name, on all matters whatsoever proposed at the meeting of shareholders of the said Company, to be held on the _____ day of _____ next, as the said C. D. shall deem expedient.

In testimony whereof, I have signed these presents, on the _____ day of _____

Witness :

CAP. LXIV.

An Act to empower *The Quebec Advocates' Library* to sell and dispose of their Library.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS "The Quebec Advocates' Library" are desirous of selling and disposing of their Library to the Bar of Lower Canada, Section of the District of Quebec; And whereas it is expedient that they should be empowered so to do: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. "The Quebec Advocates' Library" are hereby authorized and empowered to sell and dispose of their Library to the Bar of Lower Canada, Section of the District of Quebec, a body corporate and politic, on such terms and conditions as may hereafter be agreed upon between "The Quebec Advocates' Library" and the said Bar of Lower Canada, Section of the District of Quebec.

Power to sell Library on such terms and conditions as may be agreed upon.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . L X V .

An Act to incorporate the Church Society of the Diocese of Huron, and for other purposes therewith connected.

[Assented to 24th July, 1858.]

WHEREAS Her Majesty, by Her Royal Letters Patent, bearing date at Westminster, on the second day of October, in the twenty-first year of Her Majesty's Reign, was pleased to divide the Diocese of Toronto into two Dioceses, the one to be called the Diocese of Toronto, and the other the Diocese of Huron, in the manner and with the limits and boundaries in the said Letters Patent mentioned; and by reason of such division it hath become expedient to incorporate a Church Society, in the Diocese of Huron; And whereas a Society for the said Diocese of Huron hath been recently formed, and hath prayed that the members thereof and their successors may hereafter form a separate society, with the corporate name and rights, and subject to the provisions hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. From and after the passing of this Act there shall be and there is hereby constituted in and for the Church of England Diocese of Huron as now constituted, a corporation by the corporate name of the *Church Society of the Diocese of Huron*, which shall have and is hereby invested with the like corporate rights, powers and privileges, as by any Act or Acts of the Parliament of this Province, are conferred on any Church Society incorporated in any Diocese of the Church of England in this Province; and to the said corporation and to the members thereof, the several clauses and provisions of the said Acts shall apply as fully as they would have applied to any of the said Church Societies and to the members thereof, in so far as may not be inconsistent with this Act, and subject always to the provisions herein contained.

The said church society incorporated.

Powers.

2. The Church Society of the Diocese of Huron hereby incorporated, shall be composed and consist of the Lord Bishop of Huron and of

Of whom to consist.

of

of the Diocese of Huron for the time being, and of those members of the Church Society of the Diocese of Toronto, who shall at the time of the passing of this Act, be resident within the Diocese of Huron, unless and until it shall be otherwise provided by the By-laws of the said Church Society of the Diocese of Huron, and of such other persons as shall, from time to time, hereafter be elected members of the said Church Society, in manner provided by the Acts aforesaid.

Society may receive certain property.

3. The Church Society of the Diocese of Huron shall and may receive and take from any of the said Church Societies, any of the property held by such last mentioned Societies, and discharge the trusts relating thereto, and such last mentioned Societies shall thereupon be discharged from such trusts.

Saving of Her Majesty's rights.

4. Nothing herein contained shall be construed to affect in any manner or way the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any body politic or corporate, such only excepted as are herein mentioned and provided for.

Public Act.

5. This Act shall be deemed a Public Act.

C A P . L X V I .

An Act to incorporate the Board for the management of the Temporalities Fund of the Presbyterian Church of Canada in connection with the Church of Scotland.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS it hath been represented to the Legislature of this Province, that it is desirable that provision should be made for the management and holding of certain funds of the Presbyterian Church of Canada in connection with the Church of Scotland, now held in trust by certain commissioners, hereinafter named, on behalf of the said Church, and for the benefit thereof, and also of such other funds as may from time to time be granted, given, bequeathed, or contributed in addition thereto; And whereas the said funds are so held in trust, and the revenues thereof are to be appropriated for the encouragement and support of Ministers and Missionaries of the said Church, and for the augmentation of their stipends, and towards making a provision for those who may be incapacitated by age or infirmity; And whereas, secondly, when and if it shall so please the said Church, and so soon as other funds hereafter shall be contributed, subscribed, or paid in from any source for the purpose to the Corporation hereby erected, it is desired that such other funds shall be appropriated for granting aid towards the erection and maintenance and endowment of Churches and Manses, in connection with the said Church, and

and the aiding of young men to study for the Ministry; And whereas the erection of a Corporation will best promote the purposes aforesaid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Reverend Alexander Mathieson, of Montreal, Doctor in Divinity; the Reverend John Cook, of Quebec, Doctor in Divinity; Hugh Allan, Esquire, of Montreal; John Thompson, Esquire, of Quebec; and the Rev. Hugh Urquhart, of Cornwall, Doctor in Divinity; and John Young, of Hamilton, Esquire; John Cameron, of Toronto, Esquire; and Thomas Paton, of Montreal, Esquire, with four additional members, and their successors, to be elected in the manner hereinafter provided, shall be, and they are hereby declared to be a body politic and corporate, in name and in deed, by the name of the "Board for the management of the Temporalities Fund of the Presbyterian Church of Canada, in connection with the Church of Scotland," and for the purposes herein aforesaid recited, by that name shall have perpetual succession and a common seal, and they and their successors, by the name aforesaid, may sue and be sued, implead and be impleaded, answer and be answered unto, in any Court of Record or place of Judicature in this Province; and they and their successors shall be able, in law, to take, have and hold and enjoy, possess and retain, and shall henceforth have, hold, enjoy and possess, in trust, for the said Church, and for the aforesaid firstly hereinabove specified uses, all moneys, debentures, bonds, bank or other stocks and securities, which are now held by the said hereinbefore named parties as Trustees or Commissioners of the said Church, in trust for the said Church; but such holding is subject always to the special condition that the annual interest and revenues of the said moneys and fund now in their hands shall be and remain charged and subject, as well as regards the character as the extent and duration thereof, to the several annual charges in favour of the several Ministers and parties severally entitled thereto, of the several amounts and respective characters and durations as the same were constituted and declared at the formation of the said funds, and the joining of the same into one fund; And the said Board shall also have power without license of mortmain, or *lettres d'amortissement*, to have, hold, receive, take, enjoy and possess, by gift, voluntary conveyance, devise, bequest, or otherwise, to them and their successors, any real or personal estate, to and for the use of the said Board for any or either of the purposes aforesaid; Provided always, that any real estate which may be so acquired, by the said Board, shall be sold within two years from the date of such acquisition thereof by the said Corporation, and the proceeds thereof invested in the public securities of the Province, Municipal Debentures, stock of the Chartered Banks, or other securities, for the uses aforesaid; And provided further, that any such

Corporation constituted: its Members and corporate name.

Corporate name and general powers.

Certain funds vested in them in trust.

Condition on which they shall be held.

Further power to hold property.

Proviso: as to real estate.

Proviso: as to real

certain real estate not sold within a given time.

Proviso : as to devises to the corporation.

Further powers.

real estate which shall not be sold and alienated within two years from the time when the same is received by the Corporation, shall revert to the party from whom the same came to the Corporation, or to his or her heirs, devisees or other representatives ; And provided also, that no will shall be valid and sufficient to pass any real or personal estate to the said Corporation, unless such will shall have been executed by the testator six calendar months prior to his decease ; And such Board and their successors shall, moreover, have power to sell, dispose of, exchange, alter, vary, or renew any of the investments heretofore made by them, or hereafter to be made of the said funds, or such other funds, or any of them, and to re-invest any money arising therefrom, and acquittances, conveyances, transfers, releases, receipts and discharges to make and give as occasion may demand.

Annual retirement of members, and election of members in their places.

2. At the first meeting of the Synod of the said Church hereafter, there shall be elected by the said Synod seven members of the said Board, of whom four shall be laymen and three, ministers, all members of the Presbyterian Church of Canada in connection with the Church of Scotland, in place of two laymen and one minister, members of the said Board, who shall then retire, but who shall be eligible, as shall all other retiring members, for re-election ; and thereafter, two ministers and two laymen shall retire from the said Board annually in rotation, on the third day of the annual meeting of the Synod or other court of highest jurisdiction of the said Church, and their places shall be supplied by two ministers and two laymen, then elected by the said Synod ; and the mode in which the said trustees hereby named shall retire, shall be defined by by-law of the said corporation, or in default thereof by the Synod, but the members of the Board who shall from time to time be elected in the stead of the afore-named members shall, after all the said eight members of the Board named in this Act shall have gone out, retire from office in the proportions aforesaid in rotation according to the seniority of their election : In the event of the death, resignation, removal from the Province, or leaving the communion of the said Church of any member of the said Board, the remaining members, or a majority of them, present at any general meeting duly convened for that purpose, shall choose a minister or layman to fill such vacancy, subject however to the approval of the said Synod or other court at its next meeting, so that the said Board shall always consist of twelve members, of whom five shall be ministers and seven shall be laymen, all being ministers or members in full communion of the said Church ; Provided always, that until such first annual meeting of its Synod as aforesaid and the election of the said seven members thereat, all the powers, rights and duties conferred upon the said Board by this Act, shall be exercised by the said eight persons named in this Act, as fully and effectually as if the said Board consisted of twelve members as aforesaid.

Casual vacancies how to be filled.

Provision until first meeting of the Synod.

3. The said Reverend John Cook, Doctor in Divinity, or in his default any other of the said eight persons named in this Act, shall call a meeting of the said Board, within six months after the passing of this Act, at the City of Montreal, at which meeting the members of the said corporation then present, or a majority of them, shall then choose and elect from among the members of the said Board, a Chairman, holding office during the pleasure of the said corporation, and such Corporation shall elect successors to him as often as occasion may require or the by-laws of the said corporation shall prescribe; and at such meeting, and at all other meetings of the Board, seven shall constitute a quorum: The said corporation shall further have power, if they see fit, to appoint an executive committee of three members, defining their duties and powers by by-law or by-laws, and shall also have power and authority to appoint on such terms as they may deem suitable, a Secretary, who shall not be a member of the Board, and such subordinate officers as may be necessary, and the same to dismiss or remove as they shall see fit, and shall further have power and authority to make and defray all necessary expenditure for and on behalf of the said corporation.

First meeting
of the Board.

Quorum.

Executive
Committee,
and officers,
&c.

4. The said corporation or the majority thereof present at any meeting of the said corporation duly convened, shall have power and authority to frame and make statutes, by-laws, rules and orders, touching and concerning the good government of the said corporation, and the collection, administration, investment, application, appropriation and management of the funds aforesaid, and any other matter or thing which to them shall seem fit or expedient for the effectual attainment of the objects of the said corporation and the administration of its concerns, and for fixing, ascertaining and establishing the scale or rate of stipend from the said funds to the ministers or others entitled thereto under the provisions of this Act, subject however to the aforesaid original annual or other charges, and the scale or rate of annuities payable to superannuated or disabled ministers, and the same to vary, alter, repeal or make anew; Provided always that all such by-laws shall be submitted to the first meeting of the Synod, or other supreme court thereafter, for confirmation, amendment or rejection, but in the meantime shall till then be operative as *interim* by-laws.

Power to make
Statutes, By-
laws, &c.,—
for what pur-
poses.

Proviso.

5. The said Board shall prepare and submit annually to the said Synod or other Supreme Court of the said Church, on the first day of the annual session thereof, a balance-sheet of the financial affairs of the fund, exhibiting the receipts and disbursements of the said corporation during the financial year next preceding such meeting, and also a report of their proceedings during such period.

Annual report
to the Synod.

6. The said Corporation shall hold their meetings at such place or places within this Province as they shall from time to time direct and appoint.

Place of meet-
ing.

7. This Act shall be deemed a Public Act.

Public Act.

C A P . L X V I I .

An Act to amend the Charter of Victoria College.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS it has been represented by the Board of Victoria College, in a Memorial addressed to the Provincial Legislature, that it is desirable on several grounds to increase the number of the members of that Board from fourteen to twenty-four, to consist of an equal number of Clergymen or Ministers and Laymen: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act 4, 5 Vic.
cap. 37,
amended.

1. The Charter of the Victoria College contained in the Act fourth and fifth Victoria, chapter thirty-seven, shall be and is hereby amended as follows:

Board to consist of twelve clergymen and twelve laymen.

1. The Board of the said College shall consist of twenty-four members, twelve of whom shall be Clergymen or Ministers, and twelve shall be Laymen, exclusive of the President of the Executive Council, the Speakers of the Legislative Council and Legislative Assembly, and the Attorney and Solicitor General for Upper Canada;

Trustees to be twelve, and four to retire yearly.
Proviso.

2. The Trustees of the said College shall be twelve, four of whom, in regular succession, shall retire from office annually, and their places be filled up in the manner provided in said Act fourth and fifth Victoria, chapter thirty-seven; Provided always, that each retiring Trustee shall be eligible for re-election to office as Trustee;

Visitors to be twelve.

3. The Visitors of the said College shall be twelve, (exclusive of the President of the Executive Council, the Speakers of the Legislative Council and Legislative Assembly, and the Attorney and Solicitor General for Upper Canada, who are *ex-officio* Visitors by law,) to be elected annually in the manner provided in the Charter of the said College, but each Visitor shall be eligible for re-election to office.

Provisions of 4 & 5 Vic. cap. 37, to continue to apply as heretofore.

2. All the provisions of the said Act fourth and fifth Victoria, chapter thirty-seven, shall apply to the Board and meetings of the Trustees and Visitors of the said College, as constituted by the foregoing provisions of this Act, in the same manner as they have hitherto applied to the said Board and meetings of the Trustees and Visitors of the said College under the said Act; and all the provisions of the said Act which are inconsistent with this Act, are hereby repealed.

Public Act.

3. This Act shall be deemed a Public Act.

C A P. L X V I I I.

An Act to modify the personal composition of the Corporation of the Seminary of Nicolet.

[Assented to 24th July, 1858.]

WHEREAS Monseigneur Pierre Flavien Turgeon, Catholic Archbishop of Quebec, Monseigneur Charles François Baillargeon, Coadjutor of the said Archbishop, Charles Olier Caron, Grand Vicar of the District of Three-Rivers, and François Xavier Côté, *archiprêtre, curé* of Ste. Geneviève, and the senior *curé* in the said District, the now members of the Corporation for the superintendence and administration of the Seminary of Nicolet, erected by Royal Letters Patent, issued at the Castle of St. Louis in Quebec, on the tenth day of December, one thousand eight hundred and twenty-one, by His Most Gracious Majesty King George the Fourth, under the Great Seal of the Province of Lower Canada, and the hand of His Excellency George, Earl of Dalhousie, then Governor General of the said Province, have by their petition represented, that in consideration of the erection of a new Bishopric at Three-Rivers, and the great distance at which they reside from the said Seminary, it has become necessary to modify the personal composition of the Corporation, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. So much of the letters patent of the Seminary of Nicolet, granted as above mentioned by His Most Gracious Majesty King George the Fourth, as fixes the number of the persons, and the persons, who shall constitute and compose the said Corporation, shall be and is hereby repealed in that respect; And the said Corporation of the Seminary of Nicolet shall hereafter be constituted and composed as follows: 1st. Of the Roman Catholic Bishop of Three-Rivers; 2nd. Of the Grand Vicar of the said Bishop, residing in the town of Three-Rivers; 3rd. Of five resident members, that is to say, residing in the Seminary of Nicolet, which said five members shall be, Messieurs Thomas Caron, priest, Superior of the said Seminary of Nicolet; Louis Richer Lafleche, priest, Superintendent of Studies; Antoine Narcisse Bellemare, priest, Director of the Students; François Xavier Côté, priest, *procureur*, and François Desaulniers, sub-deacon, Professor of Philosophy, all residing and employed in the said Seminary of Nicolet, or their successors in office as such resident members of the said Corporation of the Seminary of Nicolet.

Part of former letters patent repealed.

Of whom the said Corporation shall hereafter consist.

2. When any one of the five resident members of the said Corporation shall vacate the said office of resident member either by death or by resignation of the said office, or by ceasing to reside at

How the resident members shall be re-

at

placed in case of vacancies. at the said Seminary, he shall be replaced as resident member of the said Corporation of the said Seminary of Nicolet by a Roman Catholic Ecclesiastic appointed for that purpose by the majority of the remaining members of the said Corporation; and thereafter the same rule shall be followed whenever any vacancy shall occur in the number of the resident members of the said Corporation of the Seminary of Nicolet.

Certain rights not affected. **3.** This Act shall in no way affect any rights acquired before the passing thereof, by the said Corporation or by any other parties, but such rights shall preserve the same effect as heretofore; and the said Corporation so modified as to its personal composition may, in the interest of the institution and of society, sue and be sued, acquire and hold property as provided in the said letters patent above mentioned, and exchange, sell and alienate the same, and generally enjoy all the rights and privileges thereby granted.

Powers of the Corporation continued.

Name of the Corporation. **4.** The said *Corporation for the superintendence and administration of the Seminary of Nicolet*, shall, after the passing of this Act, be known and designated as the *Corporation of the Seminary of Nicolet*.

Public Act. **5.** This Act shall be deemed to be a Public Act.

C A P . L X I X .

An Act to incorporate Knox College.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS a Theological Institution has been for some time, and is now in operation in Toronto, in this Province, under the authority of the Synod of the Presbyterian Church of Canada; And whereas the property now held in trust for the said institution has been acquired from persons who granted or conveyed the same for the purpose of creating an educational establishment, wherein the Theological principles and doctrines of the Presbyterian Church of Canada should be taught, and the said Synod has petitioned the Legislature for an Act to incorporate the said Institution, under the name of "Knox College;" And whereas it is expedient to comply with the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Who shall be members of the Corporation.

1. James Gibb, of Quebec; James Court, John Redpath and the Reverend Alexander F. Kemp, of Montreal; John R. Dickson and James Stewart, of Kingston; George Hay, of Ottawa; Andrew Jeffrey, of Cobourg; William Heron and the Reverend Thomas Lowry, of Whitby; Donald McLellan, James Osborne and the Reverend David Inglis, of Hamilton;
Morris

Morris C. Lutz, of Galt ; Charles Allan, of Elora ; Alexander D. Ferrier, of Fergus ; Andrew Smith, of Woodstock ; William Clarke and the Reverend John Scott, of London ; Archibald Young, of Port Sarnia ; George Brown, Christopher S. Patterson, the Reverend Michael Willis, D. D., and the Reverend William Reid, of Toronto, and all and every such other person or persons as now is or are or shall at any time hereafter be Ministers of the Presbyterian Church of Canada or members of the said church in full communion therewith, shall henceforth be a body corporate under the name of "Knox College," and shall continue to be a body corporate, with perpetual succession, and a common seal, and with the powers vested in corporate bodies by "The Interpretation Act," and also with power under the said corporate name, and without license in mortmain, to hold all property now held by the said Institution, or by any one or more persons in trust for the benefit of the said Institution, and to purchase, acquire, have, take, hold and enjoy, by gift, grant, conveyance, devise, bequest, or otherwise, to them and their successors, any estate or property, real or personal, to and for the use of the said College, in trust for the promotion of theological learning and education of youth for the holy ministry, under the authority and according to the principles and standards of the Presbyterian Church of Canada aforesaid, and also with power to let, convey, or otherwise dispose of such real or personal estate, from time to time, as may be deemed expedient, with the written consent of the Synod ; Provided always that such real estate so held by the said College hereby incorporated, shall be such and such only as may be required for the purposes of college buildings and offices, residences for the professors, tutors, students and officers, with gardens or pleasure grounds pertaining thereto ; Provided also, that the said College may acquire any other real estate, or any interest therein, by gift, devise, or bequest, if made at least six months before the death of the party making the same, and the College may hold such estate for a period of not more than three years, and the same or any part or portion thereof or interest therein which may not, within the said period, have been alienated and disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives ; And provided also, that the proceeds of such property as shall have been disposed of during the said period, may be invested in the public securities of the Province, stocks of the chartered banks, or other approved securities, for the use of the said College.

Corporate name and general powers.

Application of property.

Proviso : real estate limited.

Proviso : College may acquire by devise, &c., on condition of selling within a certain time.

Proviso : as to investment.

2. It shall be lawful for the Synod of the Presbyterian Church of Canada, at its next ordinary meeting after the passing of this Act, to declare, by a resolution or a By-law to that effect and record in the register of proceedings of the said Synod, the Theological Doctrines and Principles which shall be taught in the said College, or what are the books and documents in which the said principles and doctrines are contained ; and

Synod to declare the doctrines to be taught in the college.

Such declaration to be irrevocable.

and such declaration so made and recorded shall be irrevocable in so far as the said College shall be concerned, and shall be held at all times thereafter to contain the Theological Doctrines and Principles to be taught in the said College, and for the propagation of which the property now held for the said College, or hereafter acquired for the same, shall be appropriated, and to no other.

Appointment of professors, &c.

3. And the said Synod of the Presbyterian Church of Canada shall have power at its next or any subsequent meeting, to appoint and remove Professors and Tutors in such way and manner as to them shall seem good; and shall also have power to make rules and by-laws for the government of the said college, and to alter, amend and annul the same and make other rules instead thereof, and also to constitute a Senate for the said College, with such powers as they may deem from time to time expedient; Also to constitute a board of management for the financial and other affairs of the said College not otherwise provided for, in such manner and with such powers and under such conditions as to the said Synod shall from time to time seem expedient; Provided always that such by-laws, rules or regulations be not contrary to this Act or repugnant to the laws of this province.

Making of By-laws.

Constitution of Board of Management.

Proviso.

Act to apply to any body of Christians formed by the union of the said Church with any other.

4. In case the body of Christians known under the name of the Presbyterian Church of Canada, shall at any time or times hereafter, under that or any other name, unite itself with any other body or bodies of Presbyterians adhering to the principles and doctrines mentioned in the declaration to be made according to the second section of this Act, or in the books and documents therein mentioned as containing the said principles and doctrines, or take such other body or bodies of Presbyterians into union with itself, and in case such united body of Presbyterians shall agree to hold and shall hold a Synod once or oftener in each year according to the manner now in use in the said Presbyterian Church of Canada, then and in every such case this Act shall apply to such united body of Presbyterians under whatever name they shall have formed such union, and all rights, powers and authorities by this Act vested in the Synod of the Presbyterian Church of Canada shall be vested in and apply to the Synod of such united body under whatever name or designation such united body may be known.

Powers of Synod to be transferred to general assembly in a certain case.

5. In case the said Presbyterian Church of Canada or such united body as aforesaid shall determine to form itself into two or more Synods, and to form one General Assembly which shall have supreme jurisdiction in such Church or united body, then all the rights, powers and authorities by this Act vested in the Synod of the Presbyterian Church of Canada, or in the Synod of such united body as aforesaid, shall be diverted from the said Synod and be applied to and be vested in such General Assembly; and for the purposes of this Act such

General

General Assembly or Supreme Court shall thenceforth exclusively exercise all the rights, powers and authorities conferred by this Act on the Synod of the Presbyterian Church of Canada.

6. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X .

An Act to incorporate the Iberville Academy.

[Assented to 24th July, 1858.]

WHEREAS several of the inhabitants of the Parish of St. Athanase, in the County of Iberville, have, by their Petition to the Legislature of this Province, prayed that with the view of promoting education in their locality, they may be incorporated under the name of the "Iberville Academy," and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. Olivier Reeves, Alexandre Dufresne, David Menard, Jacques H. Aubertin, Etienne Sévère Filiatreault, Pierre Régulier, and all other persons who may by virtue of this Act replace or be united with them, shall be and they are hereby constituted a body politic and corporate, under the name of the "Iberville Academy," and under the said name shall have power to acquire for themselves and their successors, under any legal title whatever, such real estate as may be required and necessary for the actual occupation of the said Academy, and may sell and alienate the same, and acquire others in their stead for the purposes of this Act: For the administration and government of the Academy they shall make such by-laws not contrary to law as they shall deem expedient, providing at the same time for their amendment or repeal, and generally shall have all necessary corporate powers for the purposes of this Act; Provided always that the said Academy may acquire any other real estate or any interest therein, by gift, devise or bequest, if made at least six months before the death of the party making the same; and the Academy may hold such estate for a period of not more than three years, and the same or any part or portion thereof or interest therein which may not within the said period have been alienated and disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; And provided also, that the proceeds of such property as shall have been disposed of during the said period, may be invested in the public securities of the Province, stocks of chartered Banks, mortgages or other approved securities, for the use of the said Academy.

Incorporation and corporate name and general powers.

Property for actual occupation.

Power to make By-laws.

Proviso: Other property may be acquired on condition of disposing of it within a certain time.

2. All the revenues of the said Corporation, from whatever source they may be derived, shall be devoted exclusively to the maintenance

Purposes to which the

revenue shall be applied.

maintenance of the Academy and to the furtherance of education, and to no other purpose.

Power to appoint officers and instructors.

3. The members of the said Corporation shall have power, in accordance with the provisions of their by-laws, to appoint one or more persons as attorneys, or *préposés*, for the affairs of the Corporation, and for the administration of the property thereof, and to grant them remuneration as such; they shall also have power to select and remunerate certain persons as instructors, and may confide the duty of instruction to them, subject to such conditions and in such manner as they may deem expedient.

Academy may be united to the elementary school.

4. The members of the said Corporation shall have power to enter into an agreement with the School Commissioners of their School Municipality, for the union of the Elementary school with the Academy, and the Commissioners are authorized to that effect by this Act.

Period during which members shall remain in office.

5. The persons above appointed shall be bound to act as members of the said Corporation for the space of five years, to be computed from the day on which their first meeting shall be held, which meeting may be called at any time after this Act shall come into force, by any two of the persons above named, and at which meeting the said Corporation may choose a President and Secretary; it shall also be lawful for the said persons, after the expiration of the said five years, to remain members of the said Corporation for such length of time as they may think proper; the said Corporation shall never be composed of less than five members and the vacancies as they occur shall be filled up in the manner provided by the by-laws.

Number of members.

How vacancies shall be filled.

Public Act.

6. This Act shall be deemed a Public Act.

C A P. L X X I .

An Act to incorporate the General Hospital of the District of Three Rivers.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS certain members of the Clergy, Magistrates, and other inhabitants of the District of Three Rivers, have prayed for the incorporation of an institution to be located in the City of Three Rivers, under the name of the *General Hospital of the District of Three Rivers*; And whereas urgent reasons have been assigned in support of the prayer thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. From and after the passing of this Act, the Mayor and Councillors of the City of Three Rivers, constituting the corporation of the City of Three Rivers, and their successors forever, shall appoint one person who, together with four other persons resident within the said City, to be appointed by the Governor in Council, during pleasure, shall be the Trustees of the said Hospital, and shall form and be a body corporate by the name of the *General Hospital of the District of Three Rivers*, and as such shall have the usual powers and rights of bodies corporate, and shall have power to acquire and hold such real estate as may be required and necessary for the actual occupation of the said Hospital, and to alienate, sell, convey, lease, or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other instead thereof: Provided always that the said Corporation may acquire any other real estate or any interest therein, by gift, devise or bequest, if made at least six months before the death of the party making the same, and the Corporation may hold such estate for a period of not more than three years, and the same, or any part or portion thereof, which may not, within the said period have been alienated, and disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; And provided also that the proceeds of such property as shall have been disposed of during the said period may be invested in the public securities of the Province, Stocks of chartered Banks, mortgages, or other approved securities for the use of the said Corporation; And the said corporation also shall and may, from time to time, make such By-laws and Rules for the internal management and regulation of the said Hospital as shall to them seem meet and expedient; Provided always that such By-laws or Rules shall be laid before the Governor in Council within thirty days after the same shall have been so made as aforesaid, and may be by him disallowed within one month thereafter; and any three of the said Trustees shall form a quorum for the transaction of business; And provided further, that the term of appointment by the Governor in Council of any of the aforesaid Trustees shall not be for a longer period than three years; but they shall act as such Trustees until their successors are appointed, and every such Trustee shall be eligible for re-appointment.

Certain officers and persons to be Trustees of the General Hospital of the District of Three Rivers, and as such a Corporation.

General corporate powers.

Power to hold land for actual occupation.

Proviso: they may accept other land on condition of disposing of it within a certain time.

Proviso: as to investment of proceeds.

Quorum.

Proviso.

Proviso.

2. The said Trustees, by the name aforesaid, shall have the power to appoint a Clerk or Secretary and Agent, and to remove him at their pleasure, and to appoint another in the place of the person so removed; and it shall be the duty of the said Trustees to invest in good and sufficient securities all moneys which may at any time come into their hands for the use and support of the said Hospital, and from time to time, when required so to do by the Governor in Council, to render an account in detail of all moneys received by them as such Trustees, specifying the sources from which the same have arisen or been received, and the manner in which the same

Trustees may appoint a clerk or secretary, and shall account for all moneys received by them to the Governor in Council, on demand, and to both Houses of Parliament annually.

have been invested and expended, and all such particulars as may be necessary to shew the state of the funds and endowment of the said Hospital; and the said Trustees shall also lay an annual statement of their affairs before both branches of the Legislature within thirty days after the commencement of each session.

Power to sue and be sued.

3. The said Trustees, by the name aforesaid, may sue and be sued, implead and be impleaded, in all and every the Courts of law in this Province.

Trustees to form a Board and appoint a President who shall have a casting vote.

4. The said Trustees shall form a Board, who shall proceed, as soon as they are organized by the election of one of the said trustees by the said Corporation of the City of Three Rivers, and the appointment of four other trustees by the Governor in Council, to name a President of the said Board; and in case of an equal division of votes in the said Board on any matter or proceeding therein, the said President shall have a casting vote, and his decision shall be final.

Trustees to appoint a medical staff for the use of the said Hospital.

5. The said Trustees may name, constitute and appoint a Medical Staff, to be composed of not more than three licensed Physicians and Surgeons, to attend to the wants of the inmates of the said Hospital, with power to fix the duration of their office, to remove them and appoint others in their stead, and to fix such salary and emoluments as they may deem advisable.

The clerk of the Trustees to be the secretary of the Board of the Trustees, and in such capacity to have certain powers.

6. The Clerk or Secretary and Agent of the said Trustees mentioned in the second section of this Act, shall be the Secretary of the Board of Trustees, and shall in such capacity, be the person on whom all process issuing out of any Court of Law in this Province shall be served, touching and concerning any matters or proceedings relating to the said Hospital, and shall be and is hereby authorized to affix the seal of the said corporate body to any act or acts, deed or deeds, requiring the same.

Trustees may sell lands.

7. The said Trustees for the time being shall have power and authority to sell and dispose of any lot or parcel of land which may belong to the said Hospital, and which it may be deemed advantageous to dispose of.

Trustees may borrow £5,000 on debentures on the security of the funds and property of the Hospital.

8. It shall be lawful for the said Trustees, and they are hereby authorized, from time to time, to borrow for the purposes of the said Hospital, such sum or sums of money, not exceeding in the whole the sum of Five thousand pounds currency, as they may lawfully require for the purposes of the said Hospital, and to issue a debenture or debentures for the raising of such loan, in such sum or sums, at such rate of interest and for such period or periods as the said Trustees may find expedient, and to hypothecate for the securing of such loan any real estate belonging to the said Corporation: Provided

Proviso.

always

always that no such debenture shall be issued for a longer period than twenty years, or for a sum under One Hundred Pounds, or bear a higher rate of interest than eight per cent., and that the interest thereon shall be payable half yearly.

9. This Act shall be deemed a Public Act.

Public Act.

CAP. LXXII.

An Act to incorporate the St. George's Society of Toronto.

[Assented to 24th July, 1858.]

WHEREAS John Beverley Robinson, Thomas Brown, George S. Jones, Robert Dodgson, F. W. Coate, George T. Walton, George Bilton, George Thomas, Henry Godson, Julian Sale, Isaac Falkner, B. Saunders, Frank John Joseph, and others, have by their petition to the Legislature represented, that the Association, of which they are members, known as the St. George's Society of Toronto, has for many years been formed for the benevolent purposes of affording pecuniary, medical, and other relief to such natives of England and Wales, and their descendants, as may from sickness or other causes have fallen into distress, and have prayed that for the better attainment of the objects of the said Association, it may be invested with corporate powers, and by reason of the good effected by the Association, it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said John Beverley Robinson, M. P. P., Thomas Brown, George S. Jones, Robert Dodgson, F. W. Coate, George T. Walton, George Bilton, George Thomas, Henry Godson, Julian Sale, Isaac Falkner, B. Saunders, Frank John Joseph, and such other persons as are now members of the said association, or shall hereafter become members thereof, under the provisions of this Act, and the By-laws made under the authority thereof, and their successors, shall be and they are hereby constituted a body politic and corporate, by the name of the *St. George's Society of Toronto*, and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all Courts of Law and places whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and may break, change, alter, or renew the same at pleasure, and shall have power to purchase, take, receive, hold and enjoy such real estate as may be required for the actual occupation of the said corporation, and to alienate, sell, convey, lease, or otherwise dispose of the same, or any part thereof, from time to time, and as occasion may require, and to acquire other instead thereof; Provided always that the said Corporation may acquire

Certain persons and their successors incorporated.

Corporate name and powers.

Proviso: property limited.

Proviso: the acquire

corporation may accept other property on condition of disposing of it within a certain time.

Proviso: for investment of proceeds.

acquire any other real estate or any interest therein, by gift, devise or bequest, if made at least six months before the death of the party making the same, and the Corporation may hold such estate for a period of not more than three years, and the same or any part or portion thereof or interest therein which may not, within the said period have been alienated and disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; And provided also, that the proceeds of such property as shall have been disposed of during the said period, may be invested in the public securities of the Province, stocks of chartered Banks, mortgages, or other approved securities for the use of the said Corporation.

Committee of Management, and Members thereof.

2. The affairs and business of the said Corporation shall be managed by a Committee of Management, consisting of a President, a first, second and third Vice-Presidents, a Secretary or Secretaries, a Treasurer, two Chaplains, three Physicians, and seven other Members, to be elected annually at a General Meeting of the members of the Corporation held in conformity to the By-laws thereof, and any five members of the said Committee shall be a quorum for the despatch of business.

What shall be deeds of the Corporation.

Proviso.

3. All deeds, sealed with the Common Seal of the Corporation, and signed by the President or Vice-Presidents, and by some other member of the Committee of Management, and countersigned by the Treasurer, and none other, shall be held to be deeds of the Corporation: Provided always that the Treasurer for the time being may receive all moneys payable to the Corporation, and grant valid receipts therefor.

Corporation may make By-laws.

How only they may be made or altered.

4. It shall be lawful for the said Corporation to make By-laws for the admission and expulsion of members, and for the proper administration of the property and affairs of the Corporation, and to repeal or amend the same from time to time; and such By-laws and amendments shall be proposed and seconded at a previous Quarterly Meeting. No number of members less than one-fifth of the Corporation (including the presiding Officer) shall form a meeting for the purpose of altering such By-laws, nor shall any alteration be made therein unless two-thirds of the members present agree to it.

General meetings, how held, &c.

5. The General Meetings of the said Corporation shall be held in such manner, after such notice, upon such requisition, and at such times, in the City of Toronto, as shall be directed by the By-laws of the Corporation then in force.

Domicile of the Corporation, and service of process upon it.

6. The usual place of meeting of the said Corporation shall be held to be the legal domicile thereof, and service at such place of any notice or process of any kind, addressed to the said Corporation, shall be held to be sufficient service of such notice or process on the Corporation.

7. The By-laws of the said Association, in so far as they may not be repugnant to this Act or the laws of this Province, shall be the By-laws of the Corporation hereby constituted until they shall be repealed or altered as aforesaid ; Provided always that no By-law shall impose a penalty or forfeiture exceeding two dollars.

Present By-laws continued till altered. Proviso.

8. Until others shall be elected according to the By-laws of the corporation, the present officers of the Association shall be those of the said Corporation, that is to say, the said John Beverley Robinson, shall be the President, the said Thomas Brown shall be the first Vice-President, the said George S. Jones shall be the second Vice-President, the said Robert Dodgson the third Vice-President, the said F. W. Coate shall be the Treasurer, the said George T. Walton shall be the Secretary, the Reverend J. Beaven, D. D., and the Reverend H. Scadding, D. D., shall be the Chaplains ; Edward Hodder, Francis Badgley, and William Hallowell shall be the physicians, and the said George Bilton, George Thomas, Henry Godson, Julian Sale, Isaac Falkner, B. Saunders, and Frank John Joseph, the other members of the Committee of Management.

First officers and members of the Committee of Management.

9. No person otherwise competent to be a witness in any suit, action, or prosecution in which the said Corporation may be engaged, shall be deemed incompetent to be such witness by reason of his being or having been a member or officer of the said Corporation.

Competency of witnesses where the Corporation is concerned.

10. All subscriptions of members due to the Corporation under any By-law, all penalties incurred under any By-law by any person bound thereby, and all other sums of money due to the Corporation, shall be paid to the Treasurer thereof, and in default of payment may be recovered in any action brought by him in the name of the Corporation in any Court of competent civil jurisdiction : Provided always that nothing herein contained shall be construed to prevent any member from withdrawing at any time from the said Corporation after payment of all arrears due to the funds thereof including the annual subscription for the year then current.

Recovery of money due to the Corporation.

Proviso.

Members may pay up and withdraw.

11. The said Committee of Management shall yearly in the month of January, insert in some newspaper published in the City of Toronto, a statement of the amount of the funds and property, debts and liabilities of the said Corporation, certified by the Treasurer and two Auditors elected at any general meeting of the Corporation.

Annual accounts to be published.

12. Nothing in this Act shall affect any rights of Her Majesty, Her Heirs or Successors, or any party or person whomsoever such rights only excepted as are herein expressly mentioned and affected.

Saving of Her Majesty's rights, &c.

13. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X I I I .

An Act to incorporate the Toronto Magdalen Asylum and Industrial House of Refuge.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS Mesdames M. McCutcheon, Elizabeth Dunlop, Ann Baldwin, Christian Dick, Sarah J. Brett, A. Gil-mour, E. A. Badgley, F. J. Baldwin, A. E. Hagerty, C. H. Blake, Mary Richardson, Jane Mowatt, Frances R. Hodgins, Ann Thompson, Caroline Watson and Ann Mulholland, Ladies Directresses and Office Bearers of the *Toronto Magdalen Asylum and Industrial House of Refuge*, have by their petition set forth, that the said Institution was established in the year one thousand eight hundred and fifty-four, since which period a large number of unfortunate females have been reclaimed from vice, and refuge has been afforded to others less criminal but equally friendless, and have prayed that corporate powers be conferred upon them, in order the better to enable them to carry out the philanthropic objects for which the said Institution was founded; And whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Corporation established.

Corporate name and powers.

1. The said Ladies Directresses and Office Bearers of the said Institution, and their successors in their respective offices, are hereby declared to be a body corporate under the name of the *Toronto Magdalen Asylum and Industrial House of Refuge*, and shall, under the said name, have all the corporate powers vested in corporations by the Interpretation Act, and shall have power from time to time to make such by-laws and regulations for the better government of the said Institution as shall be required or seem beneficial, and to alter or repeal the same and make others in their stead, provided always that the same be not contrary to the laws of the Province of Canada nor to this Act; and shall also have power to hold for the benefit of the said Institution property, moveable or immoveable; Provided always that the real property to be held at any time by the said Corporation shall be such only as shall be required for the actual occupation of the Corporation for the purposes of the said Institution.

Proviso: real property to be only such as required for actual use and occupation.

Present estate of institution vested in Corporation, and its rules to be those of Corporation altered.

2. All and every the estate and property, real or personal, belonging to or hereafter to be acquired by the said Institution, and all debts, claims and rights whatsoever due to it shall be and are hereby vested in the corporation hereby established; and the rules, orders and regulations of the said Institution so far as the same may not be contrary to the laws of this Province or to this Act, shall be and continue to be the rules, orders and regulations of the said Corporation, until altered or repealed under the provisions of this Act.

Public Act.

3. This Act shall be deemed a Public Act.

C A P . L X X I V .

An Act to incorporate the Canadian Society of Joiners and Carpenters of Montreal.

[Assented to 24th July, 1858.]

WHEREAS an Association under the name of the *Canadian Society of Joiners and Carpenters of Montreal*, has existed for several years in the City of Montreal, having for its object the aid of its members in case of sickness, and the ensuring of like assistance and other advantages to the widows and children of deceased members; And whereas the members of the said Association have prayed to be incorporated, and it is expedient to grant their petition; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Pierre Désautels, H. P. Raza, Edouard F. Dumas, Pierre Couvrette, Joseph T. Dorval, Adolphe Gibeau, Charles Allard, Isidore Paquette, François Délorier, Honoré Gingras, Cyrille Paré, Moyses Martin, together with such other persons as now are Members of the said institution, or may hereafter become members thereof, by virtue of this Act, shall be and they are hereby constituted a body politic and corporate, in fact and in name, under the name of the *Canadian Society of Joiners and Carpenters of Montreal*, and by that name shall have power from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real or immoveable estate, being and situated in Lower Canada, necessary for the actual occupation of the said Corporation, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof, for the same purposes; And any majority whatsoever of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and By-laws, in no respect inconsistent with this Act, nor with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof; and the same to amend and repeal from time to time, in whole or in part, and also such regulations and By-laws of the said Association as may be in force at the time of the passing of this Act; such majority may also execute and administer, or cause to be executed and administered, all and every the business and matters appertaining to the said Corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

Preamble.

Society incorporated.

Corporate name and General powers.

Real property for actual occupation only.

By-laws.

General powers of administration.

To what purpose only the income of the Corporation shall be applied.

2. Provided always that the rents, revenues and profits arising out of every description of moveable property belonging to the said Corporation, shall be appropriated and employed exclusively for the benefit of the members of the said Corporation, and for the erection and repair of the buildings necessary for the purposes of the said Corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Transfer of property of the association to the Corporation; and of its By-laws until altered.

3. All real and personal estate at present the property of the said Association, or which may hereafter be acquired by the members thereof in their capacity as such, by purchase, donation or otherwise, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the corporation constituted by this Act and the said corporation shall be charged with all the liabilities and obligations of the said Association; and the rules, regulations and by-laws, now or hereafter to be established for the management of the said Association, shall be and continue to be the rules, regulations and by-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act.

Appointment of administrators, &c., and their powers.

4. The members of the corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the Corporation, and such officers, managers, administrators or servants of the said corporation, as may be required for the due management of the affairs thereof, and to allow them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said Corporation, as may be conferred upon them by the regulations and by-laws of the said Corporation.

Annual reports to the Legislature.

5. The said Corporation shall be bound to make annual reports to both branches of the Legislature, containing a general statement of the affairs of the Corporation, which said reports shall be presented within the first twenty days of every Session of the Legislature.

Public Act.

6. This Act shall be deemed a Public Act.

C A P . L X X V .

An Act to permit Cyrus S. Clark to retain the Dam and Booms built by him on the St. Francis River.

[Assented to 24th July, 1858.]

Preamble.

WHEREAS it hath been represented by the petition of Cyrus S. Clark, of the Township of Brompton, in the County

County of Richmond, in the District of Saint Francis, Lumber Merchant, that large sums of money have been expended by him in erecting upon the bank of the River Saint Francis, upon the east half of lot number thirty, in the fourth range of the said Township of Brompton, a saw-mill and a dam across the said river, and in the erection of booms in the river for a distance of about three miles above the dam, and that for the construction of the said works he hath acquired the right, so far as private interests are affected, and that the maintenance of the said works contribute greatly to the advantage of the public, and it is expedient to secure him in the peaceable enjoyment thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The said Cyrus S. Clark, his heirs and assigns, is, and are hereby permitted and authorized to retain and keep the dam erected by him across the said River Saint Francis, on the said lot number thirty, in the said Township of Brompton, at the height at which it hath been erected, and to keep and retain the booms for holding logs upon the said river within the distance of three miles above the said dam, and to construct other booms within the distance of three miles above the said dam in the said river if he shall find it necessary for the purpose of holding logs, and to repair or reconstruct the said dam and booms at the same height, and of the same kind; whenever the same from decay or from other causes shall require to be repaired or reconstructed; Provided always that this Act shall not secure to the said Cyrus S. Clark, his heirs or assigns, any right to overflow, by means of the said dam or booms, the lands of any other person, or in any way injure the same, without the consent in writing of the proprietors or occupiers thereof, and shall not in any way affect or prejudice the rights of such proprietors or of any other party for damage occasioned by such dam and booms.

C. S. Clark
may maintain
the said dam
and booms.

Proviso: he
shall be res-
ponsible for
all damages
thereby occa-
sioned.

2. The owner or owners of the said dam and booms for the time being shall be held to possess, and be beneficially interested in the said dam and booms so erected, so that he or they may be able to maintain any action against any person or persons who may break down, destroy or injure the said dam or booms, or who shall in any wise prevent the use or enjoyment thereof by the owner or owners thereof

Owners of the
dam and
booms to have
certain rights
of action.

3. The owner or owners of said dam shall construct and keep from the Fifteenth of May to the Twentieth of October in each year, attached to the said dam, a fish-way of such form and dimensions as shall be determined by the Governor in Council, in conformity with the twenty-sixth section of *The Fishery Act*, and shall conform to all provisions of law now in force, or which may be enacted, respecting the passage of fish ascending the said river.

Fish-way to be
constructed
under the
Fishery Act.

Slides to be made for the passing of logs, &c.

4. The owner or owners of the said dam for the time being shall be obliged to keep at all times a sufficient slide or slides or other appliances for the floating of timber down the said river past the said dam.

Act may be repealed, &c.

5. If it shall be hereafter found necessary in the interest of the public to amend or repeal this Act, such amendment or repeal shall not be considered an infringement of the privileges hereby granted.

Public Act.

6. This Act shall be deemed a Public Act.

C A P L X X V I .

An Act to amend the Law relative to Duties of Customs and of Excise, and to impose new Duties; and a duty on Tavern-keepers.

[Assented to 7th August, 1858.]

Preamble.

WHEREAS it is expedient to revise and consolidate the Customs Tariff of this Province, by repealing the present duties and imposing others instead thereof, and otherwise to amend the Laws relating to the Customs: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Repeal of Acts and parts of Acts.

12 V. c. 1, s. 2.

13, 14 V. c. 5.

16 V. c. 85, s. 1.

18 V. c. 5.

19, 20 V. c. 10.

1. The following Acts and parts of Acts are hereby repealed, that is to say: the second Section of the Act passed in the twelfth year of Her Majesty's Reign, chaptered one, and intituled, *An Act to amend the Law relating to Duties of Customs*, and the Schedule A to the said Act containing the Table of Duties of Customs inwards, the Table of Exemptions and the Table of Prohibitions,—the whole of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered five, and intituled, *An Act to amend the Act imposing Duties of Customs*,—the first Section of the Act passed in the sixteenth year of Her Majesty's Reign, chaptered eighty-five, and intituled, *An Act further to amend the Laws relating to Duties of Customs*,—the whole of the Act passed in the eighteenth year of Her Majesty's Reign, chaptered five, and intituled, *An Act to amend the Acts imposing Duties of Customs*, except the eighth Section thereof,—the whole of the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, chaptered ten, and intituled, *An Act to amend the Acts imposing Duties of Customs*,—and so much of any other part of any of the said Acts or of any other Act or Law as is inconsistent with this Act.

2. In lieu and instead of the Duties of Customs imposed by the Acts above mentioned, and of all other Duties of Customs upon goods, wares and merchandize imported into this Province, there shall be raised, levied, collected and paid unto Her Majesty, Her Heirs and Successors, upon goods, wares and merchandize imported into this Province, or taken out of warehouse for consumption therein, the several Duties of Customs respectively inserted, described and set forth in the Table in the Schedule to this Act annexed, intituled, "Table of Duties of Customs Inwards;" And the articles enumerated or mentioned in the Table in the said Schedule, intituled, "Table of Free Goods," may be imported or taken out of warehouse without payment of any Duty of Customs under this Act;—And the articles enumerated or mentioned in the Table in the said Schedule, intituled, "Table of Prohibitions," shall not be imported into this Province under the penalty therein mentioned, and if imported shall be forfeited and forthwith destroyed :

Former duties repealed, and those in the Schedule to this Act substituted.

Free Goods.

Prohibited Goods.

Provided always, that nothing herein contained shall repeal or affect the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to impose a duty on Foreign Reprints of British Copyright Works*, or any duty imposed or to be imposed under it.

Proviso: as to British copyright works.

13, 14 V. c. 6.

3. The importation of goods exempt from duty under this Act, and all matters relating thereto, shall be subject to such regulations as the Governor in Council shall make for the purpose of preventing fraud or abuse under pretext of such exemption, nor shall such exemption prevent the forfeiture of such goods for any breach of the Customs Laws or of any regulations lawfully made under them.

Regulations may be made touching free goods.

4. Nothing in this Act shall prevent the effect of the two Acts hereinafter cited, so as to charge any article with duty while it is exempt from duty under either of them;—but the fifth Section of the said Act, passed in the eighteenth year of Her Majesty's Reign, and intituled, *An Act to amend the Acts imposing Duties of Customs*, is repealed as aforesaid, and if under the provisions of the Act passed in the eighteenth year of Her Majesty's Reign, and intituled, *An Act for giving effect on the part of this Province to a certain Treaty between Her Majesty and the United States of America*, the Governor of this Province shall at any time declare the suspension of the Treaty in the said Act mentioned, then, while such suspension shall continue, the several articles mentioned in the Schedule to the said Act, being the growth and produce of the said United States, shall be respectively subject to the duties imposed on like articles by this Act or by any other Act then in force, but if no duty be so imposed, then they shall be admitted free: And if under the provisions of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled,

Reciprocity Acts not to be affected:—

Except that if any article free under them becomes liable to duty, such duty shall be that imposed by this Act, or any other Act then in force.

18 V. c. 1.

13, 14 V. c. 3. intituled, *An Act to facilitate Reciprocal Free Trade between this Province and the other British North American Provinces*, the Governor in Council shall at any time declare that any article whatever when of the growth, produce or manufacture of the British North American Provinces or Possessions in the said Act mentioned, or of any one or more of them, is not, or is not under certain circumstances, admissible into this Province free of duty, then the duty on such article, when it is not admissible free, shall be that imposed on the like article by this Act or by any other Act then in force, but if no duty be so imposed, then it shall be admitted free.

Recital.

12 V. c. 1, ss. 8, 11, 12, &c.

5. Whereas by the eighth, eleventh, twelfth and other sections of the said Act, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Law relative to Duties of Customs*, certain oaths or affirmations in the Schedule B to the said Act are in certain cases required to be taken, and two of the said oaths or affirmations (being the first and fourth in the said Schedule) may, under the terms thereof, be taken by an agent, not being the owner, importer or consignee of the goods to be entered, and a practice has arisen of employing as Agents, Clerks and other parties, to make entries and to take the said oaths or affirmations, who have not the personal knowledge requisite to enable them to take the same so as to meet the intent and purpose of the said Act, and the Revenue and the fair trader have been thereby injured; It is therefore enacted as follows:

If the oath under the said sections be taken by an agent, a declaration of the owner, &c., to be also attached to the Bill of Entry.

Proviso.

Governor in Council may

1. Hereafter, no person other than the owner, consignee or importer of the goods of which entry is to be made, shall be allowed to take any oath or affirmation, unless there be attached to the Bill of Entry therein referred to, a declaration by the owner, consignee or importer of the said goods, (or his legal representative under section ten of the said Act,) to the same effect as the oath or affirmation, (adapting the form and words to the case,) distinctly referring to the Invoice presented with such Bill of Entry, and signed by such owner, importer or consignee, (or his legal representative,) either in presence of the agent making the entry, who shall attest the signature, or of some Justice of the Peace or Notary Public, who shall attest the same; and such declaration shall be kept by the Collector, who may detach the same from the Invoice, if the latter be annexed thereto and be not left with him; and for any wilfully false statement in such declaration, the person making the same shall incur the same penalty as if it were made in the oath or affirmation. Provided always that such written declaration may be dispensed with under the order of the Governor in Council, where it may be deemed advisable in the interests of Commerce, to dispense therewith.

2. It shall be lawful for the Governor in Council by Regulation to authorize the alteration of any of the forms of oaths or affirmations

affirmations in the said Schedule, by abbreviating the same or omitting any of the allegations therein contained which may appear to him unnecessary; and any amended form prescribed by any such Regulation, shall be of the same effect as the form in the said Schedule for which it is substituted, and shall thereafter be held to be the form referred to in the said Act and in this Act, and any such Regulation may from time to time be repealed or amended as other Regulations in matters relating to the Customs.

substitute
new forms of
oaths.

6. In order to avoid injurious delay to steamers and other vessels under certain circumstances, it shall be lawful for the Governor in Council to make such regulations as may be considered advisable, for the appointment of Sufferance Wharves and Warehouses, at which goods arriving by steam or other vessels in transit to other ports or confined to certain days of departure, may be landed and afterwards stored before entry, such vessels being duly reported to the Custom House, and having obtained the Collector's Warrant for the purpose: provided such landing be effected between sun-rise and sun-set, on a day not being Sunday or a Statutory Holiday, and provided the goods on being so landed, are immediately stored in some such approved Sufferance Warehouse; and such goods shall be thereafter dealt with by the Customs as prescribed by law; Provided that nothing in this Section shall affect any contract express or implied between the master or owner of any such vessel and the owner, shipper or consignee of any such goods as aforesaid, or the rights or liability of any party under such contract.

Provision for
landing goods
before entry
from steamers
and other
vessels, limit-
ed as to time.

Proviso.

Proviso.

7. So much of the proviso of the twenty-fourth section of the Act passed in session held in the tenth and eleventh years of Her Majesty's Reign chapter thirty-one, and intituled, *An Act for repealing and consolidating the present Duties of Customs in this Province, and for other purposes therein mentioned*, as gives to the Collector or proper officer of Customs a discretionary power to extend the time for goods remaining in warehouse more than two years, is hereby repealed.

Part of Pro-
viso to s. 24,
of 10, 11 V. c.
31, repealed.

Goods not to
remain more
than two
years in ware-
house.

8. Upon the exportation from this Province of any articles manufactured therein out of materials imported into it, and upon which any Duty of Customs has been paid,—or of any spirits, or of any beer or other malt liquor, distilled, made or brewed in this Province, and on which a Duty of Excise has been paid,—it shall be lawful for the Collector of Customs at the Port whence the same are exported to pay out of any public moneys in his hands, to the person entering the same for exportation, such drawback thereon, not exceeding the amount of the Provincial Duty of Customs or of Excise which has been paid on the materials out of which such article has been manufactured, or on such spirits, beer or other malt liquor, as shall be directed by an Order in Council then in force, subject to the observance

Drawback on
exportation of
dutiable
articles in
certain cases.

observance of such conditions, and the giving of such bond or other security by such exporter, as shall be prescribed by regulations to be made by the Governor in Council from time to time.

Foregoing provisions to be construed as one law with 10, 11 V. c. 31.

9. The foregoing provisions of this Act shall be construed as forming one Law with the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, chaptered thirty-one, and intituled, *An Act for repealing and consolidating the present Duties of Customs in this Province, and for other purposes therein mentioned*, and with the Acts hereinbefore cited, amending the same, in so far as they are in force and consistent with this Act; And all words and expressions used in the said provisions shall have the meaning assigned to them in the said Acts, and all the provisions of the said Acts with regard to the duties imposed by them, or the regulations to be made under them, shall apply to the duties imposed by this Act, and the regulations to be made under it, except in so far as they may be inconsistent with this Act.

Excise duty on spirits manufactured in this province.

32 V. c. 14.

19, 20 V. c. 12.

This section to be construed as one law with 9 V. c. 2.

10. And whereas it is expedient to increase the Excise Duty on Spirits manufactured in this Province; Therefore, in addition to the duties imposed by the second Section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to continue and amend the Act imposing Duties on Spirits distilled in this Province, and to provide for the warehousing of such Spirits*, and the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, and intituled, *An Act to impose an additional Excise Duty on Spirits*, on Spirits lawfully manufactured in this Province, there shall be payable on all such Spirits manufactured after this Act shall come into force, or which having been so manufactured before that time, and warehoused under the Act first cited, shall thereafter be taken out of warehouse for consumption, such further duty as with the duty imposed by the said Acts, will be equal to six cents per gallon, Wine measure, of the strength of proof by Sykes' Hydrometer, and so in proportion for any greater or less strength, which shall be the total duty payable on such Spirits: and this Section shall be construed as if it formed part of the said Acts and of the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to impose a Duty on Distillers and the Spirituous Liquors made by them, and to provide for the collection of such Duties*; and all the provisions of the said Acts not inconsistent with this Act, shall apply to the duty hereby imposed, and all words and expressions used in this Section, shall have the same meaning as in the said Acts; and the word "manufactured," in this Section, shall be equivalent to the words "distilled, manufactured or made," in the said Acts.

11. And for the avoidance of doubt, it is hereby declared and enacted, That any establishment or place used for the rectifying of spirits or spirituous liquors by any process, is a distillery within the meaning of the Act last above cited, and must be licensed under the said Act, under the penalties therein provided.

Rectifying establishments to be distilleries.

12. Any oath directed by the Act last aforesaid to be taken before a Justice of the Peace, may hereafter be taken before a Revenue Inspector, with the same legal effect and under the same penalties for any wilfully false statement therein.

Certain Oaths may be taken before Revenue Inspector.

13. And whereas it is expedient to impose a duty on Brewers, and on beer and other malt liquors manufactured by them ; It is therefore enacted as follows :

1. No person, other than a person licensed as hereinafter mentioned, shall, after this Act comes into force, brew or make any beer, ale, porter, lager beer, or other malt liquor of any kind, or act as a brewer in this Province, under a penalty of Ten Pounds currency for each day on which such offence shall be committed, and on pain also of forfeiting every mash-tub, fermenting vessel, machine or utensil of any kind used by him as a brewer or for making any such malt liquor as aforesaid, or adapted for making the same and being in his possession or on his premises ;

Brewers to take out licenses.

Penalty for acting without license.

2. The Revenue Inspector for any Revenue Division shall issue a License to act as a Brewer in some certain premises in some certain place within such Division, to be described in the License, to any person or partnership of persons who, being a subject or subjects of Her Majesty, having his or their place of business in such Revenue Division, and having previously complied with the requirements of this section in that behalf, shall apply for such License by a written requisition to the Inspector signed by such person, or, in the case of a partnership, by one of the parties ; and such License shall remain in force until the fifth day of January inclusive next after the date thereof, and the party in whose favor it shall be granted shall pay to the Inspector issuing it, the sum of ten dollars, as a duty to Her Majesty on such License ;

How and by whom such licenses shall be issued.

Duty on licenses, and their duration.

3. There shall be paid to Her Majesty, Her Heirs and Successors, a duty of one cent for each gallon, Wine measure, of beer, ale, porter, lager beer, or other malt liquor, brewed or made in this Province after the passing of this Act, and such duty shall be payable by the brewer or maker thereof ;

Duty on malt liquor made in the province.

4. The duties, penalties and forfeitures mentioned in or imposed by this Section shall be collected, recovered and applied in like manner as those mentioned in or imposed by the Act passed in the ninth year of Her Majesty, and intituled, *An Act*

Act 9 V. c. 2, to apply to Brewers and Breweries.

Revenue Inspectors to have the same powers as with regard to Distillers.

to repeal certain Acts therein mentioned, and to impose a Duty on Distillers and on the Spirituous Liquors made by them, and to provide for the collection of such Duties; all the enactments, requirements and provisions whereof, in so far as they are not inconsistent with this Act, are hereby extended, and shall apply to Brewers and persons acting as Brewers, and to the Beer, Ale, Porter, Lager Beer or other Malt Liquor made by them, and to the duty thereon, and to the premises, machinery and utensils used by them, in like manner as to Distillers and persons acting as Distillers and to Spirits distilled or manufactured by them, and to the duty thereon, and to the premises, the utensils and machinery used by them; and the Revenue Inspectors shall respectively have the same powers and duties with regard to Brewers as they have with regard to Distillers under the said Act, which shall be construed and have effect as if the provisions of this Section formed part thereof, varying the words of the form of oath given in the tenth Section of the said Act, so as to agree with the case;

Malt liquor made in the province may be warehoused.

12 V. c. 14.

5. Beer, ale, porter, lager beer or other malt liquor subject to duty under this section may be warehoused under regulations to be made by the Governor in Council in that behalf, in like manner and under like conditions as spirits distilled in the province may be warehoused under the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to continue and amend the Act imposing duties on Spirits distilled in this Province, and to provide for the warehousing of such spirits*;

District Inspectors to be called Revenue Inspectors hereafter.

6. The officer referred to in the said Act passed in the ninth year of Her Majesty's Reign as "District Inspector," shall hereafter be known and designated as the "Revenue Inspector" of the District, County or other place in which he shall be appointed or directed to act, but his powers and duties shall not be in any way affected by this provision, nor shall it affect any suit, proceeding, document, or matter whatever in which he may have been designated as District Inspector; and every District, County or place for which a Revenue Inspector shall be appointed or directed to act shall be known as a Revenue Division.

14. And whereas it is expedient to impose a Provincial Duty on Tavern-keepers and others selling spirituous liquors by retail, it is therefore enacted as follows:

Provincial Duty on licenses for Taverns, &c.

1. There shall be paid to Her Majesty, Her Heirs and Successors, on each License issued after the passing of this Act to sell spirituous liquors to be drunk upon the premises, in any hotel, tavern, house, vessel or place, a duty of twelve dollars if such place be within the Municipal limits of any City,—a duty of ten dollars, if the same be within the Municipal limits of any incorporated Town,—and a duty of five dollars, if the same be not

not

not within the limits of any such City or Town, or the License be for a vessel; and such duty shall be paid to the Revenue Inspector or Municipal Officer issuing or delivering the License, before it shall be issued or delivered, and shall be over and above all other duties or sums payable thereon; and no such License shall be of any effect unless such duty be paid, but the party holding it shall be held to be unlicensed, and be liable to all the penalties imposed by any Act or by any By-law on persons selling spirituous liquors without License;

How payable.
License of no effect until the duty is paid.

2. The sums received for such duty by any Municipal Officer shall be by him accounted for and paid over, on demand, to the Receiver General, deducting four per cent. for his trouble in collecting the same, and if not so paid over, shall be a debt due to the Crown by such Municipal Officer, and may be recovered from him with costs, in any way in which debts due to the Crown may be recovered; and such Municipal Officer shall, as regards such duty, be held to be an Officer employed in the Collection of the Revenue and liable accordingly, and evidence of his having issued or delivered any such license shall be held to be evidence of his having received the duty hereby imposed thereon;

How to be collected and recovered.
Liability of Municipal Officer receiving it.

3. The Chamberlain, Treasurer, Clerk or other Officer of any Municipality, having the requisite official documents or information in his custody, shall at all times, on demand, furnish to the Revenue Inspector for the District, County or Revenue Division in which such Municipality lies, lists of all such Licenses as aforesaid issued after the passing of this Act in or by authority of such Municipality, and of the persons to whom, and the houses, vessels or places for which they were respectively granted, under a penalty of Fifty Pounds for any refusal to furnish such lists;

Lists of licenses to be furnished to the Revenue Inspector.

4. The sums received for duties under this section shall form part of the Consolidated Revenue Fund of this Province, and shall be duties within the meaning of the Act, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to provide for the management of the Customs and of matters relative to the Collection of the Provincial Revenue.*

Sums received to be duties within 8 V. c. 4.

15. This Act shall come into force immediately on its passing.

Commencement of Act.

SCHEDULE.

TABLE OF DUTIES OF CUSTOMS INWARDS.

GOODS PAYING SPECIFIC DUTIES.

<i>Articles.</i>	<i>Duty.</i>
	\$ cts.
Ale, Beer and Porter, in casks, per gallon.....	0 08
Ale, Beer and Porter, in quart bottles, per dozen bottles.	0 25
Ale, Beer and Porter, in pint bottles, per dozen bottles.	0 12½
And a Duty of 15 per cent. <i>ad valorem</i> on the Bottles containing the same.	
Almonds, Walnuts and Filberts, per lb.....	0 03
Corn Brooms, per dozen.....	0 50
Do. Whisks, per dozen.....	0 15
Cigars, per lb.....	0 80
Chicory, raw and kiln-dried, per lb.....	0 01
Do., roasted and ground, per lb.....	0 04
Coffee, green, per lb.....	0 01
“ roasted, per lb.....	0 04
“ ground, per lb.....	0 04
Cordials, per gallon.....	1 00
Currants, per lb.....	0 03
Dried Fruits, per lb.....	0 03
Figs, per lb.....	0 03
Ginger, Pimento and Pepper, unground, per lb.....	0 04
Ginger, Pimento and Pepper, ground, per lb.....	0 06
Macaroni and Vermicelli, per lb.....	0 03
Mustard, per lb.....	0 05
Molasses, per gallon.....	0 04
Mace, per lb.....	0 25
Nutmegs, per lb.....	0 25
Nuts not specially named, except Cocoa Nuts, per lb..	0 01
Spirits and Strong Waters, of all sorts, for every gallon of any strength not exceeding the strength of proof by Sykes' Hydrometer, and so in proportion for any greater strength or less quantity than a gallon, viz :	
Brandy, per gallon.....	1 00
Gin, per gallon.....	0 80
Rum, per gallon.....	0 50
Whiskey, per gallon....	0 18
Spirits and Strong Waters, including Spirits of Wine and Alcohol and not being Brandy, Gin, or Whiskey, per gallon.....	0 70
Spices, unground not otherwise named, per lb.....	0 07
“ ground, “ per lb.....	0 10
Starch, and all preparations of starch, per lb.....	0 05
Soap, not otherwise specified, per 100 lbs.....	1 25
Sugar,	

Sugar, refined, whether in loaves or lumps, candied, crushed, powdered or granulated, or in any other form; White Bastard Sugar or other sugar equal to refined in quality, per 100 lbs.	2 50
“ White clayed sugar or yellow bastard sugar, or any kind equal in quality to white clayed sugar or yellow bastard sugar, but not equal to refined sugar, per 100 lbs.....	1 75
“ Brown clayed sugar, Muscovado or raw sugar of any kind not equal in quality to the sugars last named, per 100 lbs.....	1 30
“ raw for refining purposes only, and not within 25 per cent. of the value of the last named sugar, per 100 lbs.....	0 90
Tea, not exceeding in value 18 cents per lb.,—per lb...	0 03
“ exceeding in value 18 cents per lb.,—per lb.....	0 04
Tobacco, manufactured, not exceeding in value 20 cents per lb.,—per lb.....	0 05
“ exceeding 20 and not exceeding in value 40 cents per lb.,—per lb.....	0 07½
“ Over 40 cents in value per lb.,—per lb.....	0 10
Snuff, per lb.....	0 10
Vinegar, per gallon.....	0 06
Wine, in wood, not exceeding in value \$40 per pipe of 126 gallons, per gallon.....	0 20
“ in wood, over \$40 but not exceeding in value \$60 per pipe of 126 gallons, per gallon.....	0 30
“ in wood, over \$60 and not exceeding \$100 in value per pipe of 126 gallons, per gallon.....	0 40
“ in wood, over \$100 in value per pipe of 126 gallons, per gallon.....	0 50
“ in quart bottles, not exceeding \$4 in value per dozen bottles,—per dozen bottles.....	1 50
“ in pint bottles, in proportion, per dozen bottles..	0 75
“ in quart bottles, exceeding \$4 and not exceeding \$8 in value per dozen bottles,—per dozen bottles.	2 00
“ in pint bottles, in proportion, per dozen bottles..	1 00
“ in quart do., exceeding \$8, and not exceeding \$12 in value per dozen bottles,—per dozen bottles..	2 50
“ in pint do., in proportion, per dozen bottles.....	1 25
“ in quart do., exceeding \$12 in value per dozen bottles,—per dozen bottles.....	3 00
“ in pint do., in proportion, per dozen bottles.....	1 50
And a Duty of 15 per cent. <i>ad valorem</i> on the bottles containing such wine.	
Printed, Lithographed or Copper-plate Bills, Bill heads, Cheques, Receipts, Drafts, Posters, Cards, Labels of every description, Advertising Pictures, or Pictorial Show Bills or Cards: For every hundred	
Cards or Sheets of.....	1 00
Advertising Pamphlets, per hundred.....	1 00

GOODS PAYING FIVE PER CENT.

The following Goods shall be chargeable with a Duty of five per cent. on the value thereof :

Bolting Cloths ;
 Brass in bars, rods and sheets ;
 Brass or Copper Wire and Wire Cloth ;
 Chain Iron, other than Cables, and not being Horse Chain, Dog Chain, Jack Chain, or other small Chain not exceeding three quarters of an inch ;
 Canada Plates, Tinn'd Plates, Galvanized Iron and Sheet Iron ;
 Copper, in bars, rods, bolts or sheets ;
 Cotton Candle Wick, Yarn and Warp ;
 Emery ;
 Emery, Glass and Sand Paper ;
 Fishing Nets and Seines ;
 Fish Hooks, Lines and Fish Twines ;
 Gold Beaters' Brim Moulds and Skins ;
 Silk-twist for Hats, Boots and Shoes ;
 Hat plush ;
 Hair, Angola, Goat, Thibet, Horse or Mohair, unmanufactured ;
 Iron, Bar, Rod or Hoop ;
 " Nail and Spike Rod ;
 " Hoop or Tire, for driving wheels of locomotives, bent or welded ;
 " Boiler Plate,
 " Railroad Bars ;
 " Rolled Plates ;
 " Plate and Angle, or other Iron, shaped or unshaped, when forming part of an Iron Ship imported in pieces.
 " Rivets, for do ;
 " Wire ;
 Lead, in sheet ;
 Sails, ready made ;
 Steel, wrought or cast ;
 Tin, granulated or bar ;
 Tubes and Piping, of copper, brass or iron, when drawn ;
 Varnish, bright and black, for ship-builders, other than Copal Carriage, Shellac, Mastic or Japan ;
 Zinc or Spelter, in sheet ;
 Locomotive and Engine Frames, Cranks, Crank Axles, Railway-car and Locomotive Axles, Piston Rods, Guide and Slide Bars, Crank Pins, Connecting Rods, Steamboat and Mill Shafts and Cranks forged in the rough.

GOODS PAYING TWENTY PER CENT.

The following Goods shall be chargeable with a Duty of twenty per cent. on the value thereof :

Anchovies, Sardines, and all other Fish preserved in oil ;
 Argentine, Alabetta, or Albata and German Silver manufactures ;

Articles embroidered with gold, silver, or other metals ;
 Baskets, and all other Articles made of grass, osier, palm leaf,
 straw, whalebone or willow, not elsewhere specified ;
 Beads of every description ;
 Billiard Tables and Furnishings ;
 Bagatelle Boards and do ;
 Blacking ;
 Bracelets, Braids, Chains, Curls, Ringlets or Head-dresses, of
 any kind composed of hair, or of which hair is a compo-
 nent part ;
 Brooms and Brushes, not elsewhere specified ;
 Cameos and Mosaics, real or imitation, when set in gold, silver
 or other metal ;
 Capers, Pickles, Olives and Sauces of all kinds not elsewhere
 specified ;
 Candles and Tapers of Wax, Sperm, Belmont, Stearine, Ada-
 mantine and composition ;
 Chandeliers, Girandoles, Gas Fittings ;
 Carriages or parts of Carriages not otherwise specified ;
 Cabinet Ware or Furniture ;
 Cashmere ;—See *Manufactures*.
 Cocks, Taps, and Coupling Joints ;
 Carpets and Hearth Rugs, Velvet, Brussels, Tapestry, Turkish,
 Persian, and other kinds ;
 Confectionary not elsewhere specified ;
 China Ware of all kinds ;
 Cutlery polished of all sorts ;
 Coach and Harness furniture of all kinds ;
 Composition Tops for tables or for other articles of furniture ;
 Essences, Balsams, Cosmetics, Extracts, Pastes, Perfumes,
 Tinctures, and Perfumery of all kinds ;
 Feathers and Flowers, artificial or ornamental or parts thereof,
 of whatever material composed ;
 Fans and fire Screens ;
 Fire Works ;
 Glass, plate ;
 Glass, silvered ;
 Glass-shades and Crystals for watches ;
 Glass Ware, cut, ground or coloured ;
 Glass, stained, painted or coloured ;
 Glass bottles and vials, not being wine and beer bottles,
 Gold and Silver Leaf ;
 Gilt Frames ;
 Guns, Rifles and Fire Arms of all kinds ;
 Hats, Caps and Bonnets,
 Inks of all kinds except printing ink ;
 Jewellery, real or imitation ;
 Japanned, planished tin, and Britannia metal ware of all kinds ;
 Leather, Sole, Harness, dressed Kip, Calf, and upper Leather,
 and all imitations of Leather ;
 Marble or imitation of marble Mantle-pieces, or parts thereof ;
 Mattresses of hair, moss or other material ;

Millinery

- Millinery of all kinds ;
 Musical Instruments of all kinds, including Musical Boxes and
 Clocks ;
 Mowing, Reaping and Threshing Machines,
 Manufactures of Fur or of which fur is the principal part ;
 “ of Cashmere,
 “ of Silk, Satin and Velvet, and of all other fabrics,
 of which Silk forms the principal part ;
 “ of Bone, Shell, Horn, Pearl, Ivory or vegetable
 Ivory ;
 “ of Gold, Silver or Electro Plate ;
 “ of Brass or Copper ;
 “ of Leather or of imitation of Leather, or of which
 Leather or imitation of Leather is the prin-
 cipal part, not otherwise specified ;
 “ of Marble, or Marble more advanced in manufac-
 ture than slabs or blocks in the rough.
 of *Papier Maché* ;
 of Caoutchouc or India Rubber or of Gutta Per-
 cha or of which any of these articles forms
 the principal part ;
 “ of Straw ;
 Patent Medicines and Medicinal Preparations not elsewhere
 specified ;
 Oil Cloths of whatever material composed ;
 Sallad Oils, Table Oils, and Linseed Oils ;
 Opium ;
 Ornaments of Bronze, Alabaster, Terracotta or Composition ;
 Plated and Gilded Ware of all kinds ;
 Playing Cards ;
 Preserved Vegetables, Meats, Poultry, Fish and Game ;
 Railing or Fencing of Iron :
 Riddles and Sieves ;
 Scales and Weights ;
 Shawls, Thibet wool or filled ;
 Silks, Satins or Velvets and all fabrics of which Silk forms
 the principal part ;
 Spades, Shovels, Axes, Hoes, Rakes, Forks, and Edge-Tools,
 Scythes and Snaiths, Bolts, Nuts and Washers ;
 Spikes, Nails, Tacks, Brads and Sprigs ;
 Silk, Woollen, Worsted and Cotton embroideries and tambour-
 work ;
 Silk-twist and Twist composed of Silk and Mohair ;
 Silver and Gold Cloth, Thread, and other articles embroidered
 with Gold or for embroidering ;
 Skins, Sheep, Calf, Goat, and Chamois, dressed ;
 Soap, perfumed or fancy ;
 Stoves and all other Iron Castings ;
 Toys ;
 Thread Lace and Insertions ;

Writing Desks, fancy and ornamental Cases and Boxes of
 whatsoever material ;
 Woollen Goods.

GOODS PAYING TWENTY-FIVE PER CENT.

The following Goods shall be chargeable with a Duty of
 twenty-five per cent. on the value thereof :

Manufactures of Leather, viz :
 “ Boots and Shoes ;
 “ Harness and Saddlery.

Clothing or Wearing Apparel made by hand or sewing machine.

GOODS PAYING FIFTEEN PER CENT.

All articles not hereinbefore enumerated as charged with a
 specific or *ad valorem* duty, and not exempted from the
 payment of duty, shall be chargeable with a duty of
 fifteen per cent. on the value thereof.

TABLE OF FREE GOODS.

Acids, of every description,
 Agricultural Societies—Seeds of all kinds, Farming Utensils
 and Implements of Husbandry, when specially imported
 by, for the encouragement of Agriculture,
 Alum,
 Anatomical preparations,
 Anchors, over 6 cwt. in weight,
 Animals, of all kinds,
 Antiquities, collections of,
 Apparel, wearing, and other personal effects, and implements
 of husbandry, (not merchandise) in actual use of persons
 coming to settle in the Province and accompanying the
 owner.
 Apparel, wearing, of British subjects dying abroad,
 Argol,
 Arms for Army or Navy and Indian Nations, provided the
 duty otherwise payable thereon would be defrayed or borne
 by the Treasury of the United Kingdom, or of this Pro-
 vince.
 Ashes, Pot, Pearl and Soda.
 Bark, Tanners',
 Bark, used solely in dyeing,
 Barley, except Pot and Pearl,
 Barley Meal,
 Beans,
 Bean Meal,
 Bear and Bigg,
 Bear and Bigg Meal,
 Berries, used solely in dyeing,
 Bleaching Powder,

Books,

Books, Printed,—Periodicals and Pamphlets—not being
 British Copyrights, nor Blank, Account, or Copy Books,
 or Books to be written or drawn upon,
 Borax,
 Bottles containing Wine, Spirituous or Fermented Liquors of
 Officers' Mess,
 Brandy imported for do,
 Bran and Shorts,
 Brimstone,
 Bristles,
 Broom Corn,
 Buckwheat,
 Buckwheat Meal,
 Bulbs and Roots,
 Bullion,
 Burr Stones, wrought or unwrought, but not bound up into
 mill-stones,
 Butter,
 Coin and Bullion,
 Cabinets of coins,
 Cables, Iron Chain,
 " Tarr'd Hemp,
 " Untarr'd "
 " Grass,
 Carriages of Travellers, and carriages employed in carrying
 merchandise (Hawkers and Circus Troupes excepted),
 Casks, ships' water, in use,
 Caoutchouc or India Rubber, and Gutta Percha, unmanu-
 factured,
 Cement, marine or hydraulic,
 Charitable Societies—donations of clothing for gratuitous
 distribution by,
 Cheese,
 Clothing for Army or Navy or Indian nations, or for gratuitous
 distribution by any Charitable Society.
 Coal,
 Cochineal,
 Coke,
 Commissariat Stores,
 Copperas,
 Corkwood, or the Bark of the Corkwood tree,
 Corn, Indian,
 Cotton and Flax waste,
 Cotton Wool,
 Cream of Tartar in crystals,
 Diamonds and Precious Stones,
 Drugs used solely in dyeing,
 Dye Stuffs, viz: Bark, Berries, Drugs, Nuts, Vegetables, Woods,
 and Extract of Logwood,
 Earths, Clays and Ochres, dry,
 Eggs,
 Felt Hat bodies and Hat Felts,

Fire Brick,
Firewood,
Fish,
do. Oil, in its crude or natural state,
do. products of, unmanufactured,
Flax, Hemp and Tow, undressed,
Flour,
Fruits, green,
Fruits, dried, from the United States only, while the Reciprocity Treaty is in force,
Furs, Skins, Pelts or Tails undressed, when imported directly from the United Kingdom or British North American Provinces, or from the United States, while the Reciprocity Treaty is in force,
Gems, and Medals,
Gravel,
Grains—Barley and Rye,
Beans and Peas,
Bear and Bigg,
Bran and Shorts,
Buckwheat,
Indian Corn,
Oats,
Wheat,
Meal of above Grains,
Grindstones wrought or unwrought,
Gums and Resins, in a crude state,
Gypsum or Plaster of Paris, ground or unground,
Grease and Scraps,
Hams,
Hemp,
Hides,
Horns,
Household Effects, personal, not merchandise, of subjects of Her Majesty domiciled in Canada but dying abroad,
Indigo,
Inventions and Improvements in the Arts, models of—provided that no article shall be deemed a model which can be fitted up for use,
Junk and Oakum,
Lard,
Lime, the produce of British North American Provinces only,
Machinery, models of—provided the same cannot be put to actual use,
Manilla Grass,
Manures of all kinds,
Maps and Charts in sheets, not mounted nor on cloth,
Marble in blocks or slabs unpolished,
Meats, fresh, smoked and salt,
Menageries, horses, cattle, carriages and harnesses of, subject to Regulations by the Governor in Council,
Military Clothing for Her Majesty's Troops or Militia,
Military

Military Stores and Materials for Military Clothing imported
 for the use of the Provincial Militia, under such restrictions
 and regulations as may be passed by Governor in Council,
 Mosses and sea grass, for upholstery purposes,
 Musical Instruments for Military Bands,
 Nitre or Saltpetre,
 Oakum,
 Oil Cake or Linseed Cake,
 Oils, cocoa nut, pine and palm—in their crude and natural state,
 Old Nets,
 Ordnance Stores,
 Ores of all kinds of Metals,
 Osier or Willow, for basket-makers' use,
 Packages of all kinds in which Goods are usually imported,
 except the following, viz : Spirit, wine, oil, beer, cider,
 and other casks for the containing of liquids, baskets of
 every description, trunks, snuff jars, earthenware jars,
 glass jars, bags and barrels containing grain, seeds and
 peas,
 Pig Iron, Pig Lead,
 Pitch and Tar,
 Philosophical Instruments and Apparatus, Books, Globes, Maps
 and Charts :—provided the same be specially imported by
 and for the use of Philosophical Societies, Universities,
 Colleges, Public Schools or Institutes,
 Plants, Shrubs and Trees,
 Provisions for Army or Navy, or Indian Nations,
 Rags,
 Resin and Rosin,
 Rice,
 Sail-cloth,
 Sal Soda,
 Sal Ammonia,
 Salt,
 Seeds of all kinds,
 Ships Blocks,
 Binnacle Lamps,
 Bunting,
 Canvas, Duck,
 Compasses,
 Cordage,
 Dead Eyes,
 Dead Lights,
 Deck Plugs,
 Shackles,
 Sheaves,
 Signal Lamps,
 Travelling Trucks,
 Ship's water-casks in use,
 Silk Hat Felts,
 Soda Ash,
 Specimens of Natural History, Mineralogy or Botany;

Expressly imported for Ship-
 building purposes and by Ship
 Builders or Sail-makers.

Stone unwrought,
 Slate,
 Statues, Busts and Casts, of Marble, Bronze, Alabaster or Plaster of Paris; Paintings and Drawings as works of Art; Specimens of Sculpture; Cabinets of Coins, Medals, Gems, and all Collections of Antiquities,
 Sulphur or Brimstone,
 Tin and Zinc or Spelter in block or pig,
 Tallow,
 Teasels,
 Timber and Lumber of all kinds, round, hewed, sawed, unmanufactured in whole or in part,
 Tobacco, unmanufactured,
 Tools and Implements of Trade of persons arriving in Canada when accompanied into the Province by the actual settler, and brought in by such settler for his own use, and not for sale,
 Treenails,
 Turpentine, other than Spirits of Turpentine,
 Type Metal, in blocks or pigs,
 Vegetables—not elsewhere specified,
 Vehicles of Travellers, except those of Hawkers and Pedlars,
 Water Lime,
 Wine, Spirits and fermented Liquors of all kinds, imported for any Officers' Mess, and the Packages containing the same,
 Wood for Hoops when not notched,
 Woods of all kinds,
 Wool,
 All Importations for the use of Her Majesty's Army and Navy serving in Canada.

TABLE OF PROHIBITIONS.

The following Articles are prohibited to be imported, under a penalty of Fifty Pounds, together with the forfeiture of the parcel or package of Goods in which the same may be found :

Books and Drawings of an immoral or indecent character;
 Coin, base or counterfeit.

C A P . L X X V I I .

An Act to repeal an Act passed in the eighteenth year of Her Majesty's Reign, chaptered one hundred and seventy-two, confirming a certain survey in the Township of Hamilton.

[Assented to 7th August, 1858.]

WHEREAS a certain Act of the Parliament of this Province, was passed in the eighteenth year of Her Majesty's Reign,

Preamble.

Reign,

18 V. c. 172. Reign, chaptered one hundred and seventy-two, intituled, *An Act to confirm a survey of the line between the sixth and seventh concessions of the Township of Hamilton*, pending a law suit having reference to the said line, without any notice having previously been given of an application therefor, and without the parties interested having had any opportunity of being heard against it, and it is expedient to repeal the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The said Act
18 V. c. 172,
repealed.

1. The said Act of the Parliament of this Province, passed in the eighteenth year of Her Majesty's Reign, chaptered one hundred and seventy-two, intituled, *An Act to confirm a survey of the line between the sixth and seventh concessions of the Township of Hamilton*, shall be, and the same is hereby repealed.

Public Act

2. This Act shall be deemed a Public Act.

C A P. L X X V I I I .

An Act to amend the Act of 1857, to amend the *Lower Canada Municipal and Road Act*, of 1855, and to erect *St. Lambert* into a distinct *Municipality*.

[Assented to 7th August, 1858.]

Preamble.

20 V. c. 132.

WHEREAS in the first section of the Act passed in the twentieth year of the Reign of Her Majesty, Queen Victoria, chaptered one hundred and thirty-two, and intituled, *An Act to amend the Lower Canada Municipal and Road Act of 1855, and to erect St. Lambert into a distinct Municipality*, an error has occurred in the definition of the southern boundary of the said Municipality, which ought to have been the division line between the parishes of Longueuil and Laprairie, instead of the seignorial line between the Seigniorie of Laprairie and the Barony of Longueuil; And whereas such error might have the effect of rendering void the proceedings of the said Municipality: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Section 1 of
the said Act
repealed, and
the bounda-
ries of St.
Lambert de-
fined.

1. The first section of the said Act is hereby repealed, and from and after the passing of this Act the said Municipality of *St. Lambert* shall be bounded as follows: on the west by the *River St. Lawrence*, on the south by the division line between the parishes of Longueuil and Laprairie, in rear by the road known as the "*Chemin de la Pinière*," from the said parish line to the road known as the "*Chemin du Ruisseau St. Charles*," and there bounded by the said "*Chemin du Ruisseau St. Charles*" up to its junction with the road called "*Chemin de*"

de la Côte Noire," and on the north by "La Montée de la Côte Noire," and on the east by the said road called "Chemin de la Côte Noire," up to the above junction with the road called "Chemin du Ruisseau St. Charles," and including in its boundaries the continuation of the several farms through which runs the said "Chemin de la Côte Noire," which bounds this Municipality on the east,—and shall for the purposes of the Lower Canada Municipal and Road Act of 1855, and for School Municipal purposes, be detached from the parish of Longueuil and shall be united into and form a separate Municipality by the name of the Municipality of St. Lambert in the County of Chambly.

St. Lambert so bounded to be a separate Municipality.

2. All the proceedings had on account of and by the said Municipality of St. Lambert, are hereby declared to be as valid in so far as they relate to the said Municipality of St. Lambert as contained within the above limits, as though the said limits had been correctly designated in the said Act first above cited.

Former proceedings declared valid.

3. This Act shall be deemed to be a Public Act.

Public Act.

C A P . L X X I X .

An Act to amend the Act incorporating the Eastern Townships Bank.

[Assented to 7th August, 1858.]

WHEREAS it is expedient to amend the Act passed in the eighteenth year of Her Majesty's Reign, intituled, *An Act to incorporate the Eastern Townships Bank*, by reducing the Capital Stock of the said Bank : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

18 V. c. 206.

1. The Capital Stock of the said Eastern Townships Bank shall be four hundred Thousand Dollars currency only, divided into eight thousand shares of Fifty Dollars each.

Capital reduced.

2. The remainder of the said Capital Stock (after the sum of two hundred thousand dollars shall have been subscribed, and one hundred thousand dollars of the same paid up as required to authorize the said Bank to commence the business of Banking under the said Act) shall be subscribed for and paid up as follows, that is to say : the sum of forty thousand dollars of the said subscribed stock shall be paid up within eighteen months, the sum of sixty thousand dollars of the aforesaid stock shall be paid up within three years, the sum of eighty thousand dollars shall be subscribed and paid up within four years, and the further and remaining sum of one hundred and twenty thousand dollars shall be subscribed for and paid up within five

Period for subscribing and paying up part of the Capital extended.

five years, reckoning in every case from the time when the said Bank shall have so commenced the business of Banking, under the penalty of the forfeiture of their Charter.

Inconsistent enactments repealed.

3. So much of the said Act and of every other Act as may be at variance with the provisions of this Act, is hereby repealed.

C A P . L X X X .

An Act to vest certain portions of Bathurst Street, in the City of London, in the London and Port Stanley Railway Company, and to facilitate the said Company in the disposal of certain of their Real Estate.

[Assented to 7th August, 1858.]

Preamble.

16 V. c. 229.

WHEREAS by an Act passed in the sixteenth year of Her Majesty's Reign, chapter two hundred and twenty-nine, portions of certain streets in the City of London, were vested in the Great Western Railway Company, in accordance with the Petition of the then Town Council of the said City for the reduction of the width thereof; And whereas the London and Port Stanley Railway Company have petitioned for permission to enclose and hold so much of Bathurst street lying between Waterloo and Burwell streets, and adjoining their depôt grounds in the said City, as would render Bathurst street aforesaid of one uniform width, and is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Company may inclose a certain portion of Bathurst street.

1. It shall be lawful for the London and Port Stanley Railway Company to enclose and hold thirty-three feet, more or less, or so much of the North side of Bathurst street, in the City of London, as will render the width of that portion of the said street which now adjoins the depôt grounds of the said Railway Company, equal to and uniform with that of those parts of the said street lying West of Burwell street and East of Waterloo street, in the said City; and the said land so enclosed shall be vested in the London and Port Stanley Railway Company for ever: Provided always, that the portion of Bathurst street aforesaid, in front of Lots Eleven and Twelve, shall not be so enclosed, held and vested, until the said Company carry out their bargain subsisting with Elijah Leonard, for the purchase of parts of Lots Eleven and Twelve: Provided always, that in case the said thirty-three feet of land shall cease to be used for Railway purposes, the said land shall revert to the Corporation of the City of London, as a public highway.

Proviso.

Proviso.

Recital.

2. And whereas the London and Port Stanley Railway Company now hold and possess divers tracts and lots of land, situate in

in the said City of London and in the Town of St. Thomas, in the County of Elgin, purchased by the said Company originally for the construction, maintenance and use of their Railway, but which are no longer productive of any immediate benefit or profit. And whereas the said lands have, with the other real property of the said Company, been mortgaged by the said Company for the benefit of their Railway, and the Company are therefore unable to depart therewith, but are compelled to retain the same to their great loss and detriment; And whereas, having obtained the consent of a large proportion of the bondholders of the said Company, for that purpose, they have prayed that they may be authorized to dispose of and sell the said lands in the City of London, and in the Town of St. Thomas, above referred to, with the view of devoting the proceeds either in liquidation of the liabilities of the said Company or in improving the permanent way of their said railway, and it is expedient, and for the interests of the said Company and of the bondholders thereof, that such power should be granted them: Therefore, the said Company shall have full power and authority, and they are hereby authorized to alienate, sell and dispose of all lots and parcels of land, the property of the said Company, and situate, lying and being in the City of London and Town of St. Thomas aforesaid, and not now occupied or used by the said Company for the purposes of their said Railway, or for any other purposes of the said Company; and the proceeds of such sale or sales shall be appropriated either towards the payment of the privileged debts of the said Company or to the improvement of the permanent way of their Railway, as the Directors of the said Company, for the time being, may deem most expedient; any law or usage to the contrary notwithstanding.

Company may alienate certain lands for which they have no further use.

Application of proceeds.

3. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X I .

An Act to continue for a limited time the several Acts and Ordinances therein mentioned, and for other purposes.

[Assented to 16th August, 1858.]

WHEREAS it is expedient further to continue the Acts and Ordinances hereinafter mentioned, which would otherwise expire at the end of the present Session: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to prevent obstructions in Rivers or Rivulets in Upper Canada,*

Acts of Canada.
7. V. c. 38.

- As amended by 10, 11 V. c. 20,
- and by 14, 15 V. c. 123.
- 8 V. c. 6.
- As amended and extended by—
14, 15 V. c. 76.
- 8 V. c. 27.
- 8 V. c. 48.
- except s. 44.
- 9 V. c. 38.
- 10, 11 V. c. 1.
- 11 V. c. 7.
- 14, 15 V. c. 2.
- 14, 15 V. c. 92.
- 16 V. c. 205.
- Canada, as amended and explained by the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to amend, explain and continue an Act passed in the seventh year of the Reign of Her Majesty, intituled, 'An Act to prevent obstructions in Rivers or Rivulets in Upper Canada,'* and by the Act of the said Parliament, passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to explain and amend the Acts for preventing obstructions in Rivers and Rivulets in Upper Canada,* and both the said last mentioned Acts; the Act of the said Parliament passed in the eighth year of Her Majesty's Reign, and intituled, *An Act for the better preservation of the Peace and the prevention of Riots and violent outrages at and near Public Works, while in the progress of construction,* as amended and extended by the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to continue an Act passed in the eighth year of the Reign of Her Majesty, intituled, 'An Act for the better preservation of the Peace and the prevention of Riots and violent outrages at and near Public Works, while in progress of construction,' and to extend the operation thereof to certain works undertaken by Incorporated Companies,* and the said last mentioned Act; the Act of the said Parliament, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to amend the Act and Ordinance therein mentioned, relative to the Registration of Titles to, and Incumbrances upon, Real Property in Lower Canada;* the Act of the said Parliament, passed in the same year of Her Majesty's Reign, and intituled, *An Act for the relief of Insolvent Debtors in Upper Canada, and for other purposes therein mentioned,* except the forty-fourth Section of the said Act; the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to empower Commissioners for enquiring into matters connected with the public business, to take evidence on oath;* the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to enlarge the powers of the Trinity House of Montreal, in certain cases where the Public Health of the City may be endangered;* the Act of the said Parliament, passed in the eleventh year of Her Majesty's Reign, and intituled, *An Act to provide for the Inspection of Butter in Quebec and Montreal;* the Act of the said Parliament, passed in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act for the better Management of the Provincial Penitentiary;* the Act passed in the same Session, and intituled, *An Act to provide a more summary and less expensive process for Proprietors of Real Property in Lower Canada to acquire possession thereof, when illegally detained from them in certain cases,* as amended by the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to amend the Act fourteenth and-fifteenth Victoria, chapter ninety-two, relating to the illegal detention of Real Property in Lower Canada,* and the said

said last mentioned Act; the Act of the Parliament of the late Province of Lower Canada, passed in the second year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act for better regulating the Common of the Seigneurie of Laprairie de la Madeleine*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to enable the inhabitants of the Seigneurie of La Baie Saint Antoine, commonly called La Baie du Febvre, to provide for the better regulation of the Common in the said Seigneurie*, as amended and extended by the Act of the said Parliament, passed in the fourth year of the same Reign, and intituled, *An Act to authorize the Chairman and Trustees of the Common of the Seigniorie of the Baie Saint Antoine, commonly called the Baie du Febvre, to terminate certain disputes relating to the limits of the said Common, and for other purposes appertaining to the same*; the Act of the said Parliament, passed in the ninth year of the same Reign, and intituled, *An Act to provide for the more effectual extinction of secret incumbrances on lands than was heretofore in use in this Province*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to prevent fraudulent Debtors evading their Creditors in certain parts of this Province*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to facilitate the proceedings against the Estates and Effects of Debtors in certain cases*; the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to alter and amend An Act passed in the sixth year of His Majesty's Reign, intituled, 'An Act to authorize the inhabitants of the Fief Grosbois, in the County of Saint Maurice, to make regulations for the Common of the said Fief'*; the Act of the said Parliament passed in the first year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to encourage the destruction of Wolves*; the Act of the said Parliament, passed in the third year of the same Reign, and intituled, *An Act further to suspend certain parts of an Act or Ordinance therein mentioned, and to consolidate and further to continue for a limited time the provisions of two other Acts therein mentioned, for more effectually ascertaining the damages on protested Bills of Exchange, and for determining disputes relating thereto, and for other purposes*; the Act of the said Parliament, passed in the sixth year of the same Reign, and intituled, *An Act to provide for the Medical Treatment of sick Mariners*, as amended by the Act of the Parliament of Canada, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act for the relief of shipwrecked and destitute Mariners, in certain cases therein mentioned*, and by the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to exempt certain Vessels from the duty imposed by the Act to provide for the Medical Treatment of sick Mariners*, and both the said last mentioned Acts; the Act of the Parliament of the late Province of Upper Canada, passed in the eleventh

Acts of Lower
Canada.L. C.
2 G. 4, c. 8.L. C.
2 G. 4, c. 10.As amended
by—L. C.,
4 G. 4, c. 26.L. C.,
9 G. 4, c. 20.L. C.,
9 G. 4, c. 27.L. C., 9 G. 4,
c. 28.L. C.,
9 G. 4, c. 32.L. C.,
1 W. 4, c. 6.L. C.,
3 W. 4, c. 14.L. C.,
6 W. 4, c. 35.As amended
by—

8 V. c. 12.

16 V. c. 166.

Acts of Upper
Canada:

U. C.,
11 G. 4, c. 20.

U. C.,
3 W. 4, c. 45.

U. C.,
6 W. 4, c. 20.

The said Acts continued to 1st January, 1859, and to the end of the then next Session.

year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act to authorize the Quarter Sessions of the Home District to provide for the relief of Insane Destitute persons in that District*; the Act of the said Parliament, passed in the third year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to continue an Act passed in the eleventh year of His late Majesty's Reign, intituled, 'An Act to authorize the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District,' and to extend the provisions of the same to the other Districts of this Province*; and the Act of the said Parliament, passed in the sixth year of the same Reign, and intituled, *An Act to repeal an Act passed in the forty-ninth year of the Reign of His late Majesty King George the Third, intituled, 'An Act to encourage the destroying of Wolves in this Province,' and to make further provision for exterminating those destructive animals*,—shall be, and all and every of the said Acts and Ordinances are hereby continued to the first day of January, one thousand eight hundred and fifty-nine, and from thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Acts of Canada :

7 V. c. 10.

9 V. c. 30.

12 V. c. 18.

13, 14 V. c. 20.

Continued to 1st January, 1859, &c.

2. The Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to repeal an Ordinance of Lower Canada, intituled, 'An Ordinance concerning Bankrupts, and the administration and distribution of their estates and effects,' and to make provision for the same object throughout the Province of Canada*, and the Act amending the same, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to continue and amend the Bankrupt Laws now in force in this Province*, in so far only as the same are continued by and for the purposes mentioned in the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make provision for the continuance and completion of proceedings in Bankruptcy now pending*, and the said last mentioned Act; and the Act of the said Parliament, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to afford relief to Bankrupts in certain cases*, shall respectively be and they are hereby continued, and shall remain in force until the said first day of January, one thousand eight hundred and fifty-nine, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Acts of Lower Canada :

L. C.,
6 W. 4, c. 19.

Continued to 1st January, 1859, &c.

3. The Act of the Parliament of the late Province of Lower Canada aforesaid, passed in the sixth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to regulate the Fees of persons employed by Justices of the Peace in the Country Parishes, as Clerks or Bailiffs in certain cases*, shall be and is hereby continued to the said first day of January, one thousand eight hundred and fifty-nine, and thence until

until the end of the then next ensuing Session of the Provincial Parliament, and no longer: Provided always, that in the several Judicial Districts of Lower Canada, so much of the said Act as relates to the Fees to be granted to persons acting as Clerks to Country Magistrates, shall cease to have any force in the said Districts respectively, if or so soon as a Tariff of Fees shall have been promulgated in such District, under the provisions of an Act, passed in the Session of the Legislature held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions, with respect to summary convictions and orders.*

Proviso :
To cease
when Tariffs
are made
under—

L. C.,
14, 15 V. c.
95.

4. Provided always, that nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, any of the Acts or Ordinances hereinbefore mentioned and continued, nor shall continue any provision or part of any of the Acts or Ordinances in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session.

Proviso : this
Act not to
prevent the
effect of any
other Act of
the present
session.

5. The period limited by the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Acts passed to remedy certain defects in the Registration of Titles in the County of Hastings*, as that within which it shall be lawful for the Registrar or Deputy Registrar of the County of Hastings to receive and index any memorial, under the authority of the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada*, or of the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to alter and amend an Act, intituled, 'An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada, or to endorse any Deed, Conveyance, Will or Probate, to which such memorial relates, shall be and is hereby extended to the said first day of January, one thousand eight hundred and fifty-nine, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.*

Period limited
by the Acts of
Canada:—

12 V. c. 97.

9 V. c. 12.

10, 11 V. c.
38.

Extended to
1st January,
1859, &c.

6. The Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to authorize the employment of Military Pensioners and others as a local Police Force*, is hereby revived and shall be continued in force for one year from the passing hereof.

14, 15 V. c. 77
continued.

C A P . L X X X I I .

An Act to define the Elective Franchise, to provide for the Registration of Voters, and for other purposes therein mentioned.

[Sanctioned 16th August, 1858.]

Preamble

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

The Act 18 V. c. 87, and so much of 12 V. c. 27, or of any other Act, as is inconsistent with this Act, repealed.

Exceptions.

1. From the time when this Act shall come into force, the Act passed in the eighteenth year of Her Majesty's Reign, chapter eighty-seven, and so much of an Act passed in the twelfth year of Her Majesty's Reign, chapter twenty-seven, and of all other Acts and parts of Acts as may be contrary to or inconsistent with the provisions of this Act, shall be and the same are hereby repealed, save only and except so far as such Acts repeal the whole or any part of any other Acts, and also, save and except so far as relates to any matters or things done at any time before this Act shall come into force, all which matters and things shall remain as valid and effectual as if this Act had not been passed, and also, save and except as to the recovery and application of any penalty for any offence which shall have been committed before this Act shall come into force as aforesaid.

QUALIFICATION OF VOTERS.

Persons hereinafter mentioned, and no others, to be qualified as Electors, if duly registered.

2. The following persons, (and no other persons) being of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, and not being disqualified as holding any office or otherwise by law prevented from voting, shall, if duly registered or entered on the revised and certified list of voters according to the provisions of this Act, be entitled to vote at Elections of Members to serve in the Legislative Council or Legislative Assembly of this Province, that is to say :

Qualification of Electors in cities or towns sending Members to the Legislative Assembly.

1. Every male person entered on the then last Assessment-Roll, revised, corrected and in force in any City or Town entitled to send a Member or Members to the Legislative Assembly, as the owner or as the tenant or occupant of real property therein, or within the liberties thereof as bounded for municipal purposes, of the assessed value of three hundred dollars or upwards, or of the assessed yearly value of thirty dollars, or upwards,---or who is entered on such last revised and corrected Assessment-Roll of any Township, Parish or Place, as the owner, tenant or occupant of any real property which is within the limits of any such City or Town for the purposes of Representation, but not for municipal purposes, of the assessed value

of

of two hundred dollars at least, or of the assessed yearly value of twenty dollars, or upwards,---shall be entitled to vote at any Election of a Member to represent in the Legislative Council the Electoral Division of which such City or Town forms a part,---and shall also be entitled to vote at any Election of a Member to represent in the Legislative Assembly the said City or Town: subject always to the provisions hereinafter contained;

2. Every male person entered on the then last Assessment-Roll, revised, corrected and in force in any Parish, Township, Town, Village or place, not being within any City or Town entitled to send a Member or Members to the Legislative Assembly, as the owner, tenant or occupant of real property of the assessed value of two hundred dollars or upwards, or of the yearly assessed value of twenty dollars or upwards, shall be entitled to vote at any Election of a Member to represent in the Legislative Council the Electoral Division of which such Parish, Township, Town, Village or place forms a part, and shall also be entitled to vote at any Election of a Member to represent in the Legislative Assembly the Electoral Division in which such Parish, Township, Town, Village or place is included: subject always to the provisions hereinafter contained;

Qualification of Electors in places not being within cities or towns, entitled to send Members to the Legislative Assembly.

3. Whenever two or more persons, whether as being partners in business, joint tenants or tenants in common, or *par indivis*, are entered on such Assessment-Roll as aforesaid, as the owners of any real property, or as tenants or occupants thereof, each of such persons shall be entitled to vote and to be entered on the list of voters in respect of such property, if the value of his part or share be sufficient to have entitled him to vote at any Election for Members to represent in the Legislative Council or Assembly the Electoral Division within which such property is situate; if such property had been assessed in his individual name: except that if the property be held by any body Corporate, no one of the Members thereof shall be entitled to vote or be entered on the list of voters, in respect of such property; Provided that in Upper Canada such persons, as in this sub-section mentioned, must establish their right before the Court of Revision or County Judge according to the provisions of the Assessment Laws, and be entered on the Assessment-Roll accordingly.

In what cases joint owners or tenants of any property may vote on it.

Exception.

Proviso.

PERSONS DISQUALIFIED FROM VOTING.

3. No Returning Officer, Deputy-Returning Officer, Election Clerk or Poll Clerk, no person disqualified to vote under the provisions of the Statute passed in the twentieth year of Her Majesty's Reign, chapter twenty-two, and no person who, at any time either during the Election or before the Election, shall

Certain officers and persons not to vote.

shall be employed at the said Election or in reference thereto, or for the purpose of forwarding the same, by any Candidate or by any person whomsoever, as Counsel, Agent, Attorney or Clerk at any polling place at any such Election, or in any other capacity whatever, and who shall have received or expect to receive, either before, during or after the said Election, from any candidate or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment, or any promise, pledge or security whatever for any sum of money, fee, office, place or employment, shall be entitled to vote at any Election of a Member of the Legislative Council or Assembly.

REGISTRATION OF VOTERS AS REGARDS UPPER CANADA ONLY.

Clerks of Municipalities to make lists of Electors from the assessment-rolls. 4. 1. The Clerk of each Municipality in Upper Canada shall, after the final revision and correction of the Assessment-Rolls, forthwith make a correct alphabetical list of all persons entitled to vote at the election of a Member of the Legislative Council and Assembly within such Municipality, according to the provisions of this Act, together with the number of the lot or part of lot, or other description of the real property in respect of which each of them is so qualified; and in Cities and Towns, the Clerks shall make out a separate list for each Ward, of the names with a description of the property of all parties on the Assessment-Rolls who may be entitled to vote in respect of real property situate within such Ward; and if any Municipality shall be partly in one Electoral division and partly in another for the purposes of any Election, he shall make out one such alphabetical list for each of such Electoral divisions, containing the names, with such description of property, of all the parties on the Assessment-Rolls who may be entitled to vote in respect of real property situate in each of such Electoral divisions respectively; and the Clerk shall certify by oath or affirmation before the Judge of the County Court, or before any two Justices of the Peace, to the correctness of the list or lists so by him made out, and he shall keep such certified lists among the records of the Municipality, and shall deliver a duplicate original thereof certified by oath or affirmation as aforesaid, to the Clerk of the Peace of the County or Union of Counties within which the said Municipality shall lie; and all such lists shall be completed and delivered as aforesaid, on or before the first day of October in each year; and no person shall be admitted to vote at any Election of a Member to serve in the Legislative Council or Assembly, unless his name shall appear upon the list then last made and certified; and no question of qualification shall be raised at any such Election, except to ascertain whether the party tendering his vote is the same party intended to be designated in the alphabetical list aforesaid;

As to cities and towns divided into wards.

Municipalities extending into more than one Electoral Division.

Lists to be attested, and how.

Duplicates to Clerk of the Peace.

When to be completed.

No one not on such List to vote.

What question only to be raised at Poll, as to qualification.

2. Any Assessment-Roll or List of Voters shall be understood to be finally revised and corrected, when it shall have been so revised and corrected by the Judge of the County Court, or other authority to whom the last appeal may be made, or when the time during which such appeal may be made shall have elapsed, and not before ;

When the Roll or List shall be considered finally revised.

3. The notice of appeal from the Court of Revision under the twenty-eighth section of the Act sixteenth Victoria, chapter one hundred and eighty-two, may be by the Attorney or Agent of the party ; and the decision of the County Judge or acting Judge of the County Court, under the said section, shall be final and conclusive in the case adjudicated upon, and shall be binding on every Committee of the Legislative Council and Legislative Assembly respectively, appointed for the trial of any Petition complaining of an undue election or return of a Member to serve in the Legislative Council or Legislative Assembly ; and at the Court holden under the said section for the trial of appeals, the Clerk of the Municipality, or other person having the charge of the Assessment-Roll passed by the Court of Revision under the twenty-eighth section of the said Act, shall appear and produce such Roll, and also all papers and writings in his custody, connected with the matter of appeal ; and when such Roll is so produced in Court, the same shall be altered and amended according to the decision of the Judge (if then given) who shall write his initials against any part of the said list in which any mistake, error or omission is corrected or supplied, or if the said Roll be not then produced, or the decision be not then given by the Judge, or if so ordered by the Judge, such decision and Judgment shall be certified by the Division Court Clerk to the Clerk of the Municipality, who shall forthwith alter and amend the Roll according to the same, and shall write his name against every such alteration or correction ; and in all proceedings before the County Judge, or acting Judge of the County Court, under the said Act, or under, or for the purposes of this Act, such Judge shall possess all such powers for compelling the attendance of, and for the examination on oath of all parties whether claiming or objecting, or objected to, and all other persons whatsoever, and for the production of books, papers, rolls and documents, and for the enforcement of his orders, decisions and judgments, as belong to or might be exercised by him, either in term time or vacation in the County Court, in relation to any matter or suit depending in the said Court. And the costs of any proceeding before the County Judge as aforesaid, shall hereafter be paid by, or apportioned between the parties in such manner as the Judge shall think fit, and costs ordered to be paid by any party claiming or objecting, or objected to, or by any Assessor Clerk, of a Municipality or other person, may be enforced by execution from the Division Court in the same manner as upon an ordinary judgment recovered in such Court ; but the party appealing shall, notwithstanding this clause, continue to deposit the sum of

Notice of appeal under sect. 28 of 16 V. c. 182.

Decision of County Judge, &c., to be final and bind all parties.

Assessment-Roll to be produced to the Court of Revision ;

And amended according to the decision of the Judge.

Amendments how certified.

County Judge to have power to examine on oath, &c.

Costs to be apportioned by the Judge and how enforced.

Deposit by appellants.

ten

ten shillings for each party appealed against, as security for the costs of Appeal.

REGISTRATION OF VOTERS AS REGARDS LOWER CANADA ONLY.

Assessors to ascertain owners, tenants, &c., of property, and enter them on the Rolls.

5. It shall be the duty of Assessors in Lower Canada to ascertain by the best means in their power, the owner and the tenant or occupant of all real property entered in the Assessment-Roll, and to enter the names of such owner and tenant or occupant therein, distinguishing them respectively as the owner, tenant or occupant, as the case may be :

Rolls to be corrected yearly, if not made yearly.

2. But it shall be the duty of Assessors in every incorporated City, and in every local Municipality now existing or that may hereafter exist in Lower Canada, in which City or Municipality Assessment-Rolls are not required to be or shall not be made annually, to revise and correct every year until the next general Assessment-Roll shall be made, the then existing Assessment-Roll so far as regards the names of the owners and tenants or occupants of all real property, entitled under the provisions of this Act to be entered on the list of voters at the Elections of Members of the Legislative Council or Assembly ; and such revision and correction shall be made annually at and during the same period of the year at and during which the original Assessment shall have been made ; and every such revised and corrected Assessment-Roll shall be delivered to the Treasurer or Secretary-Treasurer of the Municipality, in the same manner and within the same delay as the original Assessment-Roll is or shall be required to be delivered ;

At what time.

To whom to be delivered.

Clerk, &c., to make List of Electors shewing the property on which they are qualified, &c.

3. It shall be the duty of the Clerk or Treasurer or Secretary-Treasurer of every such City and of every such local Municipality, immediately after the Assessment-Roll shall have been received by the Clerk, Treasurer or Secretary-Treasurer of the Municipality, to make an Alphabetical List of the persons who shall appear by the Assessment-Roll to be qualified, under this Act, to vote at Elections of Members of the Legislative Council or Assembly, in respect of property mentioned in such Assessment-Roll, distinguishing such persons as appear qualified as owners from those qualified as tenants or occupants, and shewing the number of the lot or part of lot, or other description of the real property in respect of which they are so qualified ; and in every such incorporated City, the Clerk or Secretary-Treasurer shall make out for each Ward a separate list of the above kind, of all persons who may be entitled to vote in respect of real property situate within such Ward. And if any Municipality shall be partly in one Electoral Division and partly in another for the purposes of any such election, the Clerk or Secretary-Treasurer shall make out for each of such Electoral Divisions, one such Alphabetical List containing the names, with such description of property, of all persons

As to cities and towns divided into wards.

As to Municipalities extending into more than one Electoral Division.

persons on the Assessment-Roll who may be entitled to vote in respect of real property situate in each of such Electoral Divisions respectively; and such Clerk or Secretary-Treasurer shall certify by oath or affirmation before any two Justices of the Peace to the correctness of the List or Lists so made out by him, and he shall keep such certified Lists among the records of the Municipality, and shall deliver a duplicate thereof when finally revised and corrected, certified by oath or affirmation as aforesaid, to the Registrar of the County or Registration Division within which the Municipality shall lie; and it shall be the duty of the Clerk or Secretary-Treasurer in Cities or Municipalities in which Assessment-Rolls are not or shall not be made annually, to make out in the same manner an Alphabetical list of the same kind from the Assessment-Roll as annually revised and corrected by the Assessors; and a copy of every such list shall be kept publicly posted up in the office of the said Clerk or Secretary-Treasurer for the information of all parties concerned, such copy being corrected by the said Clerk or Secretary-Treasurer by the original when finally revised as hereinafter provided, and again posted up as aforesaid;

Attestation of List.

Duplicate to the Registrar of the County.

List to be revised, &c., yearly.

Copy to be posted up, and where.

4. The List of Voters made in the manner prescribed by the next preceding sub-section, for any Municipality in Lower Canada, (not including Cities,) shall be subject to revision and correction in the same manner and by the same authority by which the Assessment-Roll may by law be revised and corrected, and application may be made by parties desirous of having the same corrected, in the manner and during the period of time provided by law for making applications for corrections in the Assessment-Roll; and in the Cities, such members of the City Council as shall be appointed by such Council, for that purpose, or if there be a Board established by law for revising the list or lists of Municipal electors or voters, such Board shall be a Board for revising the List of Voters, and application may be made by parties desirous of having the same corrected, in the manner hereinafter mentioned during such time as shall be appointed by the City Council; And the said Board shall take cognizance of any complaint made in writing by one or more electors, to the effect that any property designated in such complaint has been overvalued in the Valuation-Roll, provided such over valuation would have the effect of giving the right of voting to a person not otherwise entitled to vote: And the said Board shall determine such complaints in the manner, and with the formalities appointed with regard to the complaints referred to in the following sub-section;

Lists subject to revision and by whom.

In places other than cities

In cities.

Board may correct over valuation, if it would give a vote to a party not otherwise entitled.

5. If any person shall deem himself aggrieved either by the insertion or omission of his name in any such List, he shall, either by himself or his agent, give notice thereof in writing to the Clerk or Secretary-Treasurer of the City or Municipality, within the period aforesaid, stating generally in what manner, and for what reasons he holds himself aggrieved; and the complaint

How persons deeming themselves aggrieved with regard to such Lists shall proceed.

If any person entered on the List is objected to: or any person is omitted who is alleged to be qualified.

Notice to parties.

Proceedings of the Revising Board on any such complaint; and their powers to decide, &c.

Adjournments.

Evidence. Oaths.

Witnesses compellable to attend, &c.

Proviso: such proceedings to

complaint shall be tried and determined by the said Board or authority at such time and place as it shall appoint, of which reasonable notice shall be given to the complainant and to the Assessor or Assessors who made the Roll; and if any person, being himself a Voter, whose name is on the List, shall think that the name of any other person also entered thereon ought not to be so entered because such other person is not duly qualified as a Voter under the provisions of this Act, or shall think that the name of any other person not entered thereon should be so entered because such person is duly qualified as an elector under the provisions of this Act, he may file a complaint to that effect with the Clerk or Secretary-Treasurer of the City or Municipality within the period aforesaid, stating his complaint and the grounds thereof, and the complaint shall be tried and determined by the Board or authority aforesaid at such time and place as it shall appoint, of which reasonable notice shall be given to the complainant, and to the Assessor or Assessors who made the Assessment-Roll, and to the person the entry of whose name on the List is objected to, if he resides within the limits of the City or Municipality, and, if not, such notice shall be openly posted up in the office of the said Clerk or Secretary-Treasurer for the information of all concerned, or to the person whose name is not entered on the said list, but ought to be entered thereon, if the complaint be admitted: And at the time and place so appointed as aforesaid, or any other time and place to which the hearing may be adjourned, the said Board or authority shall, after hearing such of the parties notified as aforesaid as shall then and there appear, or without hearing any of them who shall fail so to appear, finally determine the complaint and affirm or amend the said List by entering thereon or erasing therefrom the said names, as they shall after such hearing think right: And the said Board or authority shall have full power to hear and determine any such complaint as aforesaid, and to correct the List of Voters according to such determination, and to adjourn the hearing in any case at pleasure, and to examine any party or any witness adduced by any party, or any documents or writings offered as evidence, and to administer or cause any one of their number to administer an oath or affirmation to any party or to any witness adduced before them, or to summon any person resident in the City or Municipality to attend as a witness before them; and if any person being so summoned shall fail to attend at the time and place mentioned in the summons (being tendered compensation for his time at the rate of fifty cents a day, such compensation to be paid by the party whom the said Board or authority shall condemn to the payment thereof,) he shall thereby incur a penalty of twenty dollars to be recovered with costs to the use of the City or Municipality in any way in which penalties under By-laws can be recovered: Provided always that all the proceedings under this section shall be summary, and the Board or authority

authority hearing any such complaint as aforesaid (whether in any City or in any other Municipality) shall not be bound by any technical rules of proceeding or evidence, but shall proceed upon and determine such complaint to the best of their ability, in such manner as they shall deem most conducive to equity and the substantial merits of the case ;

be summary,
&c.

6. Any person who shall have filed any complaint to the Board or authority for revising the lists of voters in any part of Lower Canada, or concerning whom a complaint shall have been filed, and who shall deem himself aggrieved by the decision of such Board or authority touching such complaint, may, within eight days after such decision shall have been given, appeal therefrom to the Superior or Circuit Court at its place of sitting in the Municipality or nearest thereto, by a petition setting forth briefly the grounds of appeal, and shall serve a copy of such petition on the Clerk or Secretary-Treasurer of the City or other Municipality, who shall give reasonable notice thereof to the Assessor and other parties concerned : and any Judge of the Superior Court shall have full power and authority to hear and determine such appeal in a summary manner either in term or vacation, at such time and in such way as he shall think best for ensuring justice to all parties, and may direct that any further notice be given to any party, if he shall think proper, and shall have the powers for summoning before him and examining on oath or affirmation, any party or witness and compelling the production of any document, paper or thing, and generally all other powers which are vested in the Superior or Circuit Court in relation to any matter pending before it, but shall not be bound to observe any form of proceeding, except such only as he shall deem necessary for doing substantial justice to all parties ; and the decision of such Judge shall be final and conclusive, and the Clerk or Secretary-Treasurer having custody of the list of voters to which it relates, shall correct the same, if any correction be ordered by such decision, immediately on receiving a copy thereof certified by the Clerk of the Court by which it shall be given : And the costs of any such appeal shall be in the discretion of the Judge and shall be taxed by him at such sum and for and against such parties respectively as he may think right ; and any party in whose favor any such costs may be taxed, may recover them from the party against whom they shall be taxed, by execution in the manner in which costs awarded by any judgment of the Court may be recovered : Provided that no evidence shall be received by the Judge on any such appeal, except such as he shall see reasonable cause to think was adduced before the Board or authority to whom the complaint appealed from was made ; And provided further, that the pendency of any such appeal shall not affect the validity of those parts of the lists of voters from which no appeal shall be made, but the same shall for all the purposes of this Act be deemed finally revised and corrected so soon as the delay

Appeal given from the Revising Board to the Superior or Circuit Court.

Judge to hear and determine on such appeal in a summary way.

His powers for that purpose.

His decision to be final.

Costs of appeal, how and against whom taxable.

Proviso : as to evidence.

Proviso : appeal not to affect parts of List not appealed from.

delay allowed for appealing shall have expired: and no proceeding on such appeal shall be void for want of form;

List finally revised to be returned and posted up.

No one not upon it to vote.

7. After any such List shall have been revised and finally corrected, it shall be restored to the Clerk or Secretary-Treasurer, who shall forthwith correct by it the copy posted up in his Office, and until another shall in a future year be made, revised and corrected in its stead, those persons only whose names are entered upon such List, as finally revised and corrected, shall be entitled to vote at any Election of a Member of the Legislative Council or Assembly for the City or Municipality for which it was made, or the Electoral Division of which such City or Municipality forms part;

Copies of Lists to be furnished to Deputy-Returning Officers.

8. It shall be the duty of the Clerk or Secretary-Treasurer of any City or Municipality as aforesaid, to furnish to every Deputy-Returning Officer acting in such City or Municipality, or in any Ward or Division thereof, a true copy or true copies, certified by such Clerk or Secretary-Treasurer, of the List of Voters then last revised and corrected as aforesaid, or of so much thereof as shall relate to the locality for which such Deputy-Returning Officer is to act; and such Deputy-Returning Officer shall not receive the vote of any person as being a voter qualified by reason of his being entered on any Assessment-Roll, unless the name of such person shall be found upon the copy of the said List furnished to him;

No voting where no List.

Proviso: for the case when Valuators appointed by the Governor under 18 V. c. 100, ss. 36 and 66, neglect to make the valuation.

9. No voting shall be taken nor any Poll be held in any Municipality in which no list of voters shall have been made: Provided always that if the Valuators appointed by the Governor, under the thirty-sixth or under the sixty-sixth section of "The Lower Canada Municipal and Road Act of 1855," shall neglect to make the valuation required by the sixty-fifth section of the said Act, the Governor shall, on the complaint of the chief Officer of the Municipal Council, or of the Registrar of the County, or of two proprietors duly qualified to vote in the said Municipality, appoint in their place other Valuators, who shall be required to make the said Valuation in the manner in which it ought to have been made by the Valuators whose duty it was to have made it, and they shall in this respect have all the same rights and powers to exercise, and all the same duties to perform, and shall be bound under the same penalties in case of failure or neglect on their part, and the third and fourth paragraphs of the sixty-sixth section of the said Act shall apply to them in the same manner as to the first Valuators appointed by the Governor; and the time to be allowed to the former Valuators as well as to those subsequently appointed by the Governor for making the said valuation, shall be twenty days from the day on which their appointment shall have been announced in the *Canada Gazette*; Provided also, that if the Clerk, Treasurer or Secretary-Treasurer shall neglect to draw up the alphabetical list as required by the

Proviso: if the Clerk, &c., of any Municipality ne-

third sub-section of the fifth section of this Act, the Governor, on the complaint of the chief Officer of the Municipal Council of the said City or Municipality, or on the complaint of the Registrar of the County, or of two duly qualified voters of the said City or Municipality, shall appoint a Clerk *ad hoc* to make the said alphabetical list, and the said Clerk *ad hoc* shall in that respect be vested with all the same rights and powers, and shall have all the same duties to perform, and under the same penalties in case of failure or neglect on his part, as the Clerk of the Municipality himself, and the chief Officer and the other Officers of the said Municipal Council, in so far as it shall depend on each of them, shall be bound to deliver up to the said Clerk *ad hoc* the said Valuation-Roll, under the penalties imposed by the seventh section of this Act;

10. The list of voters mentioned in the third sub-section of this section, shall be considered finally revised and corrected when it shall have been so revised and corrected by the authority or the Board of Revisors mentioned in the fourth sub-section of this section; Provided always that if between the day of such final revision and correction and any time before the issuing of a writ for the election of a Member of the Legislative Council or Assembly, it shall be shewn to any judge of the Superior Court in Lower Canada, that the Clerk or the Secretary-Treasurer of a city or municipality has altered or falsified the said list of voters as finally revised and corrected, or allowed the same to be altered or falsified, the said judge shall summon the said Clerk or Secretary-Treasurer of the said city or municipality, or other officer in charge of the Assessment or Valuation-Rolls, to appear before him and to produce the same, together with the list of voters, and to undergo such an examination under oath as the Judge may require: And at the time and place appointed for the appearance of such person, the Registrar shall appear before the judge, bringing with him the duplicate of the alphabetical list: And after an examination of the said roll and list, and with or without further proof as he shall see fit, the judge shall make such alterations and corrections in the said list and duplicate thereof as he shall consider necessary and proper in order that the said list and duplicate may be in all respects similar to the list as finally revised and corrected.

glects to draw up the Alphabetical List required, s. 5, par. 3 of this Act.

List of Voters to be revised and corrected by Revisors.

Proviso: if within certain time it be shewn to a Judge that any such List has been tampered with.

Rolls and List to be produced before the Judge.

Judge to order corrections if necessary.

MISCELLANEOUS PROVISIONS.

6. It shall be the duty of the Registrar of any County or Registration Division, any Clerk of the Peace and any Clerk or Secretary-Treasurer of any City or Municipality or part of any Municipality, having the custody of the list of voters of any City or Municipality or part of any Municipality or place, to furnish a certified copy of such lists, then last revised and corrected, to any person who shall require such copy, on being paid

Copies of Lists to be furnished on demand and payment of certain fees.

paid for the same by such person at the rate of three cents for every ten voters whose names are on such list.

Clerks, &c., wilfully altering or falsifying lists of Voters, to be guilty of felony.

7. If the Clerk, Treasurer or Secretary-Treasurer of any City or Municipality, shall neglect to make the alphabetical list as required by the third sub-section of the fifth section of this Act, or in making out any certified list of persons entitled to vote at any election of a member to serve in the Legislative Council or Assembly, wilfully insert or omit any name which ought not to have been inserted or omitted, or otherwise alter or falsify the same so that it shall not be the correct list of all persons entitled to vote according to the Assessment-Roll or (in Lower Canada) to the proper list of voters, as finally revised and corrected, and if any Clerk, Secretary-Treasurer, Returning Officer, Deputy-Returning Officer, Registrar, Clerk of the Peace or any other person whose duty it is to deliver copies or have the custody of any certified list of voters as aforesaid, shall wilfully make any alteration, omission or insertion, or in any way falsify any such certified list or copy, every such person shall be deemed guilty of felony, and being convicted thereof shall be liable at the discretion of the Court whose duty it shall be to pass the sentence of the law upon such offender, to be imprisoned at hard labour in the Provincial Penitentiary, for any term not exceeding seven years, nor less than two years, or to be imprisoned in any other place of confinement for any term not exceeding two years, or to suffer such other punishment by fine or imprisonment or both, as the Court shall award; and it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence is committed, is the property of any person, or that the same is of any value.

Punishment.

Certain allegations not requisite in Indictment.

At any time before the issuing of a Writ of Election, a Judge, on its being shewn that any such list is not correct according to the assessment, may have such list brought before him and corrected.

8. If at any time before the issuing of the Writ to hold any Election for a Member to serve in the Legislative Council or Assembly, it shall be made to appear to the County Judge or acting Judge of the County Court in Upper Canada, that the Clerk or Secretary-Treasurer of any City or Municipality in making the alphabetical list of persons entitled to vote as aforesaid or the duplicate original thereof, has wilfully or inadvertently omitted or inserted any name which ought not to be inserted or omitted, or otherwise altered or falsified the same, or that such alphabetical list or duplicate original is in point of fact not a correct list of all persons entitled to vote according to the Assessment-Roll as finally revised and corrected, such Judge may require the Clerk or Secretary-Treasurer of the City or Municipality or other officer having the custody of such Assessment-Roll, to appear before him and produce such Roll and alphabetical list and submit to such examination upon oath as may be required of him: And at the time and place appointed for the appearance of such person, the Clerk of the Peace in Upper Canada shall attend before the Judge with the duplicate alphabetical list in his possession; And the Judge may,

may, on inspection of such Assessment-Roll and list, and with or without further proof at his discretion, make such alterations and corrections in such lists as to him shall seem necessary and proper, in order that the same may be a correct list of all persons entitled to vote according to the Assessment-Roll as finally revised and corrected, and according to the spirit and meaning of this Act.

9. It shall be the duty of every Returning Officer, upon receiving a Writ to hold any Election for a Member to serve in the Legislative Council or Assembly, to ascertain that every Deputy-Returning Officer is in possession of a certified copy of the then last revised and certified list of voters within the Municipality, part of a municipality or Ward of a City for which he shall be Deputy-Returning Officer; and if the Clerk of the Municipality is not the Deputy-Returning Officer, or if the copy in the possession of the Clerk has been lost or destroyed, the Returning Officer shall procure from the Registrar of the County or Registration Division in Lower Canada, or from the Clerk of the Peace in Upper Canada, a copy certified by him to be correct of the then last list of voters for such Municipality, part of a Municipality or Ward, filed in his office, and shall cause the same to be delivered to the Deputy-Returning Officer; and the Returning Officer shall be authorized to include any charge for obtaining such certified copies in the account of the general expenses of holding such Election, furnished by him to the Government.

Returning Officer to see that each of his Deputies is furnished with a proper List of Voters.

10. The Deputy-Returning Officer, at any Election of a Member of the Legislative Council or Assembly in any part of this Province, shall receive the vote of any person whose name he shall find in the proper list of voters furnished to him, or in his possession as aforesaid; provided such person shall, if required by any Candidate or the Agent of any Candidate, or by the Deputy-Returning Officer himself, take the following oath or affirmation, which such Deputy-Returning Officer is hereby empowered to administer:

Persons on the List of Voters to be allowed to vote,—on taking a certain oath, if required.

“ You swear (or solemnly affirm) that you are (*name of voter as entered on the list,*) whose name is entered on the list of voters now shewn to you (*showing the list to the voter*) that you are a subject of Her Majesty by birth (or naturalization), that you are of the full age of twenty-one years,—that you have not before voted at this Election, either at this or any other polling place, and that you have not received any thing, nor has any thing been promised to you, either directly or indirectly, in order to induce you to vote at this Election. So help you God.”

The oath.

And no other oath or affirmation shall be required of any person whose name is entered on any such list of voters as aforesaid.

No other oath to be taken.

Punishment for falsely personating a Voter on the List.

11. If at the Election of a Member to serve in the Legislative Council or Assembly, any person shall knowingly personate and falsely assume to vote in the name of any other person whose name appears on the proper list of voters, whether such other person shall be then living or dead, or if the name of the said other person be the name of a fictitious person, every such person shall be guilty of a misdemeanor, and on being convicted thereof, shall be liable to a fine not exceeding two hundred dollars, or to be imprisoned for a term not exceeding six months, or both, at the discretion of the Court before whom he shall be convicted.

Deputy-Returning Officer must swear Voters in certain cases.

12. Whenever any Deputy-Returning Officer has reason to know or believe that frauds and violence are being practised in violation of the rights of Electors, by which undue votes are tendered, or that any voter is not qualified, or has already voted at the said Election and offers to vote again, or tenders his vote under a false name or designation, or personates or represents himself falsely as being on the List of Voters, it shall be the duty of such Deputy-Returning Officer, under penalty of Fifty Pounds currency, to administer the oath authorized by Law to such Voter, whether he be required so to do or not by any party, of which mention shall be made in the Poll Book.

Penalty for not doing so.

All Taverns, &c., to be strictly closed during the polling days.

13. Every hotel, tavern, and shop in which spirituous or fermented liquors or drinks are ordinarily sold, shall be closed during the two days appointed for polling in the wards or municipalities in which the polls are held, in the same manner as it should be on Sunday during Divine Service, and no spirituous or fermented liquors or drinks shall be sold or given during the said period, under a penalty of twenty-five pounds against the keeper thereof if he neglects to close it, and under a like penalty if he sells or gives any spirituous or fermented liquors or drinks as aforesaid.

Deputy-Returning Officer to certify each page of the Poll Book.

14. It shall be the duty of each Deputy-Returning Officer to write in full at the head of each page of the Poll Book used by him, the number of such page, and to certify the same by his signature as follows: "Page Number one, (or Two, or as the case may be) A. B., Deputy-Returning Officer," and to certify in full words at the foot thereof, (before entering or causing to be entered any name or vote in the next succeeding page) the first and last name and the total number of names entered thereon and then to sign the same, which certificate shall be to the effect following: "I certify that the total number of names entered on this page as of voters is _____, whereof the first name is C. D., and the last name is E. F.—Signed, A. B., Deputy-Returning Officer;" and also, at the close of each day's polling, to certify under his signature on the said Book, and in full words, the true state of the votes at such close to the effect following: "I certify that the number of the votes polled at

And the state of the Poll after each day's polling.

"the

“ the close of the first (or second, as the case may be) day’s poll-
 ing is (the total number of votes polled) , whereof
 “ G. H. a Candidate has polled ; J. K. a Candidate has
 “ polled ; L. M. a Candidate has polled (as the
 “ case may be).—Signed, A. B., Deputy-Returning Officer ;” of
 which state of the votes he shall give certified copies to any
 person demanding the same before he, the said Deputy-Return-
 ing Officer, leaves the polling place for that day.

And furnish
 copies on de-
 mand.

15. Every Poll Clerk shall, after the closing of the
 Poll at which he shall have acted as such, but before the De-
 puty-Returning Officer who shall have kept the same shall
 have returned the Poll Book to the Returning Officer, as herein
 required, make and subscribe, either before a Justice of the
 Peace for the county or district in which he resides, or before
 the said Deputy-Returning Officer, or before the Returning
 Officer himself, the oath in the form A of the schedule hereunto
 annexed, which oath shall thereafter be annexed to the said
 Poll Book ; and the Deputy-Returning Officer who shall
 have kept and closed the poll shall, before returning the Poll
 Book as aforesaid to the Returning Officer, make and subscribe,
 either before a Justice of the Peace for the county or district
 where he resides, or before the said Returning Officer, the oath
 in the form B of the said schedule, which oath shall thereafter
 be annexed to the said Poll Book ; and the Deputy-Returning
 Officer shall then return the Poll Book to the Returning Officer
 on or before the day fixed for closing the election ; and any
 Deputy-Returning Officer or Poll Clerk who shall refuse or
 neglect to perform any of the obligations or formalities required
 of him by this section, shall, for each such refusal or neglect,
 incur the penalty hereinafter mentioned, that is to say : any
 Deputy-Returning Officer, a penalty of fifty pounds currency,
 and any Poll Clerk, a penalty of twenty pounds currency.

Oath to be
 made by each
 Poll Clerk be-
 fore the Poll
 Book is re-
 turned.

Oath to be
 made by the
 Deputy Re-
 turning Offi-
 cer.

Poll Book to
 be then re-
 turned.

Penalties for
 neglect, &c.

16. It shall be the duty of the Deputy-Returning Officer
 to deliver the said Poll Book personally to the Returning Officer ;
 and in case he is unable to do so by sickness or otherwise, he
 shall deliver such Poll Book under a sealed cover to a person
 chosen by him, and shall mention on the outside of such cover
 the name of the person to whom it has been delivered under a
 sealed cover to be so transmitted, and shall take a proper
 receipt therefor ; and any Deputy-Returning Officer failing
 therein, or in any of the obligations or formalities herein pre-
 scribed as to the duties of Deputy-Returning Officers, and any
 person having taken charge of the Poll Book and failing to
 deliver the same so covered and sealed in the same state in
 which he received it, in due time and manner, shall be guilty
 of a misdemeanor, and shall incur a penalty of one hundred
 pounds currency, or be imprisoned for a term of not less than
 six months and not more than one year, or be punished by im-
 prisonment and fine together.

Poll Book to
 be delivered
 by Deputy in
 person, unless
 in case of
 sickness, &c.

Penalty for
 neglect.

Persons stealing or unlawfully taking, or falsifying documents relating to Elections, &c.

17. If any person shall steal, or unlawfully or maliciously, either by violence or stealth, take from any Deputy-Returning Officer or Poll Clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or shall unlawfully or maliciously destroy, injure or obliterate, or cause to be wilfully or maliciously destroyed, injured or obliterated, or make or cause to be made any erasure, addition of names or interlineation of names in, to, or upon, or shall aid, counsel or assist in so stealing, taking, destroying, injuring or obliterating, or in making any erasure, addition of names or interlineation of names in, to or upon, any list of voters or any Writ of Election, or any return to a Writ of Election, or any Indenture, Poll Book certificate, or affidavit, or any other document or paper, made, prepared or drawn out according to or for the purpose of meeting the requirements of this Act or any of them, every such offender shall be guilty of felony, and being convicted thereof, shall be liable at the discretion of the Court whose duty it shall be to pass the sentence of the law upon such offender, to be imprisoned at hard labour in the Provincial Penitentiary, for any term not exceeding seven years nor less than two years, or to be imprisoned in any other place of confinement for any term not exceeding two years, or to suffer such other punishment by fine or imprisonment or both as the Court shall award; and it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence is committed is the property of any person, or that the same is of any value.

To be guilty of felony: and how punishable.

Certain averments not requisite in the indictment.

Copies of Lists of Voters used to be forwarded to Clerk of the Crown with the writ.

18. It shall be the duty of each Returning Officer to forward to the Clerk of the Crown in Chancery, with his return to the Writ of Election, copies of the lists of voters used at that election, duly certified as such by him.

Duty of Returning Officer believing any Election document to be altered, &c.

19. When the Returning Officer having received any Poll Book, or any document connected with the Election, has reason to believe that the same has been altered, injured or obliterated, or that additions have been made thereto, it shall be his duty to adjourn proceedings and to establish the true facts in the manner provided in case of the loss of any Poll Book, under the twenty-sixth section of the said Act passed in the twelfth year of Her Majesty's Reign.

False swearing, &c., to be perjury.

20. Every person taking any Oath or Affirmation under this Act, who shall wilfully swear or affirm falsely, shall be deemed guilty of perjury.

Abettors punishable as principals.

21. Every person who shall aid, abet, counsel, or procure the commission of any misdemeanor under this Act, shall be liable to be indicted and punished as a principal offender.

Commencement of Act. Exception.

22. All the provisions of this Act shall come into force and effect immediately upon and after the passing thereof, except those provisions which relate to the Elective Franchise and the

the use and effect of the Lists of Voters, and such last mentioned provisions shall not apply to any Election for which the first Polling Day shall be before the first day of January, one thousand eight hundred and fifty-nine.

INTERPRETATION.

23. Wherever the following words occur in any part of this Act as having reference to Lower Canada, they shall be interpreted as follows: Interpretation clause.

The words "Assessment-Roll" shall signify Assessment-Roll, Valuation-Roll, or any document containing a statement of the Valuation of property in any City, Town or other Municipality. Assessment-Roll.

The word "Assessor" shall signify Assessor, Valuator or other person employed to make the valuation of property in any City or other Municipality. Assessor.

The word "Owner" shall signify proprietor, either in his own right or in the right of his wife, or as usufructuary (*usufruitier*) of a real estate in *fief*, in *censive*, in *franc-aleu*, or in free and common soccage. Owner.

FORM A

REFERRED TO IN THE FIFTEENTH SECTION OF THIS ACT.

Oath of the Poll Clerk after the closing of the Poll.

I, the undersigned, Poll Clerk for the Parish of _____ (or for the Township of _____, or the Union of Townships of _____, or for the _____ Ward, or for part of the Parish of _____, or for part of the Township of _____), in the County (Riding, City or Town) of _____ do solemnly swear (or if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that the Poll Book kept in and for the said Parish of _____ (or as above, as the case may require,) under the direction of A. B., who has acted as Deputy-Returning Officer therein, has been so kept by me under his direction as aforesaid, correctly and to the best of my skill and judgment: and that the total number of voters polled in such Poll Book is the number of _____ whereof C. D. a Candidate has polled _____ votes, E. F. a Candidate has polled _____ votes (and so on, as the case may be) and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the Polling Place in the said parish of _____, (or as above, as the case may be) as the said votes were taken at the said Poll by the said Deputy-Returning Officer.

(Signature)

J. J.
Poll Clerk.

Sworn

Sworn (or affirmed) and subscribed before me, at
this day of the month of , in the year

(Signature)

X. Y.
Justice of the Peace.
or
T. V.
Returning Officer.
or
A. B.
Deputy-Returning Officer.

FORM B

Referred to in the fifteenth section of this Act.

I, the undersigned, Deputy-Returning Officer, (or one of the Deputy-Returning Officers, as the case may be) for the Parish of (or for the Township of , or for the Ward, or for part of the Parish of , or for part of the Township of), in the County (Riding, City or Town) of , do solemnly swear, (or if he be one of the persons permitted by Law to affirm in civil cases, do solemnly affirm), that to the best of my knowledge and belief the Poll Book kept for the said Parish of (or as aforesaid, as the case may be) under my direction, hath been kept so correctly: and that the total number of votes polled in such Poll Book is the number of , whereof C. D. a Candidate has polled votes, E. F. a Candidate has polled votes, (and so on as the case may be), and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the Polling Place in the said Parish of , (or as above, as the case may be), as the said votes were taken at the said Polling Place.

(Signature)

A. B.,
Deputy-Returning Officer.

Sworn (or affirmed) and
at the day of the month of ,
in the year , subscribed before me,

(Signature)

X. Y.
Justice of the Peace.
or
T. V.
Returning Officer.
or
A. B.
Deputy-Returning Officer.

C A P . L X X X I I I .

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the year 1858, and for certain other expenses connected with the public service, and also for raising a Loan on the credit of the Consolidated Revenue Fund.

[Assented to 16th August, 1858.]

MOST GRACIOUS SOVEREIGN :

WHEREAS by Messages from His Excellency Sir Edmund Walker Head, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, and the Estimates accompanying the same, laid before both Houses of the Provincial Parliament, it appears that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province and of the Public Service thereof, for the year one thousand eight hundred and fifty-eight: May it therefore please Your Majesty that it be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, that,—

Preamble.

1. From and out of the Consolidated Revenue Fund of this Province, there shall be and may be paid and applied a sum not exceeding in the whole the sum of two million, two hundred and eighty-three thousand, and seventy-three dollars, fifty-one cents, for defraying the several charges and expenses of the Civil Government and Public Service of this Province for the year one thousand eight hundred and fifty-eight, and other purposes set forth in the Schedule to this Act.

\$2,283,073.
51cts appropriated for purposes mentioned in the Schedule.

2. It shall be lawful for the Governor in Council to authorize the raising by way of loan, on the credit of the Consolidated Revenue Fund of this Province, of a sum not exceeding one million dollars, to be placed to the credit of the said Consolidated Revenue Fund by this Act, for the Public Service.

\$1,000,000 may be raised by loan.

3. For the purpose of raising such sum as aforesaid, it shall be lawful for the Governor in Council to authorize the sale of Provincial Stock, or the issuing of Debentures or both, to an amount not exceeding in the whole the sum last aforesaid; and any Debentures so to be issued may be in such form, for such separate sums, at such rate of interest not exceeding six per centum per annum, and the principal and interest thereon may be made payable at such periods and at such places, as to the Governor in Council shall seem most expedient, the said principal and interest being hereby made chargeable upon the said Consolidated Revenue Fund of this Province.

Governor in Council may sell provincial stock or issue debentures for \$1,000,000.

4. Out of the sums appropriated for Agricultural Societies in Upper and Lower Canada respectively, from Provincial Funds, two and one half per cent. thereof shall be applied under the authority of the Governor in Council, towards the promotion of Agricultural instruction and information.

5. Accounts in detail of all moneys received and paid under this Act, and of the Debentures issued and the interest thereon, and of the redemption of the whole or any part of such Debentures, and of all expenses attending the collection and payment of the sums of money collected, received or paid under the authority of this Act, shall be laid before both Houses of the Legislature of this Province at each Session thereof.

6. The due application of the moneys raised and expended under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors shall be pleased to direct.

SCHEDULE.

SUMS GRANTED TO HER MAJESTY BY THIS ACT, AND THE PURPOSES FOR WHICH THEY ARE GRANTED.

SERVICE.	Amount.		Amount.	
	\$	cts.	\$	cts.
<i>Adjutant General of Militia Department.</i>				
Salary of Six Clerks, \$1,600, \$1,100; three at \$1,000; one at \$750; one Messenger, at \$500.....	6950	00		
do of two Inspecting Field Officers of Volunteer Militia, Upper and Lower Canada, for 1858, at \$1,600 each.....	3200	00		
do of the Provincial Aid-de-Camp, for do.....	1600	00		
do eight Store-keepers of Armories, at \$300 each, for do.....	2400	00		
do nineteen Assistant Adjutant Generals, at \$120 each, for do.....	2280	00		
Maintenance of sixteen Troops of Cavalry, each ten days' Drill, for do.....	17664	00		
do seven Field Batteries of Artillery, each fifteen days' Drill, for do.....	15319	00		
do five Companies of Foot Artillery, for do.....	2115	00		
do ten Companies of Riflemen, fifty men, ten days' Drill each.....	\$ 5640	00		
do twenty-eight do. do., seventy do. do.....	21392	00		
do twelve do. do., eighty-two do. do.....	10608	00		
	37640	00		

SCHEDULE—Continued.

SCHEDULE—Continued.

SERVICE.	Amount.		Amount.	
	\$	cts.	\$	cts.
<i>Adjutant Genl. of Militia Department—(Continued.)</i>				
Contingent Expenses for Postages, Stationery, Printing, Repairs of Accoutrements, Transport of Arms, Travelling Expenses of Inspecting Field Officers, and all other Incidental Expenses attending the Active Force, for the year ending 31st December, 1858.	8000	00		
Care of Arms, Rent of Armories, Gun Sheds and Magazines, and Pay of Storemen and Caretakers of Armories of the Active Force.	5000	00		
Fuel for Established Armories and Harness Rooms throughout the Province during Winter.	800	00	102968	00
<i>Legislative Council.</i>				
Salary of the Speaker.	3200	00		
do of the Clerk.	2000	00		
do of the Assistant Clerk and French Translator.	1600	00		
do of the Law Clerk.	1000	00		
do of the Chaplain and Librarian.	800	00		
do of the Gentleman Usher of the Black Rod.	400	00		
do of the Serjeant-at-Arms.	400	00		
do of the Head Messenger.	400	00		
do of the Door Keeper.	240	00		
do of Three Messengers for the Session, at \$180 each.	540	00		
Contingent Expenses.	33800	00		
Indemnity to the Members for their attendance at \$4 per diem, including travelling at 10 cts. per mile, for the distance between the place of residence of such Member, and the place at which the Session is held.	39200	00	83580	00
<i>Legislative Assembly.</i>				
Salary of the Speaker.	3200	00		
do of the Clerk.	2000	00		
do of the Assistant Clerk.	1600	00		
do of the Law Clerk and English Translator.	2000	00		
do of the Clerk of the Crown in Chancery.	600	00		
Contingencies of do do.	400	00		
Salary of the Serjeant-at-Arms.	400	00		
Contingent Expenses (exclusive of Indemnity to Members).	230000	00	240200	00

SCHEDULE—Continued.

SERVICE.	Amount.		Amount.	
	\$	cts.	\$	cts.
<i>Salaries and portions of Salaries of Deputies, Clerks and Messengers, in the Public Departments, not paid out of the Civil List.</i>				
Additional Salaries in the Governor General's Secretary's Office.....	201	00		
do Provincial Secretary's Office.....	6876	40		
do Provincial Registrar's Office.....	3650	00		
do Receiver General's Office.....	8629	00		
do Inspector General's Office.....	9018	87		
do Customs Branch.....	6480	00		
do Auditor Public Accounts.....	7400	00		
do Executive Council Office.....	4155	00		
do Department of Public Works.....	15073	00		
do Bureau of Agriculture.....	9010	00		
			70493	27
<i>Pensions to Officers and Servants of the Legislative Bodies of Upper and Lower Canada.</i>				
William Ginger, as late Serjeant-at-Arms to the Legislative Council, Lower Canada.....	266	66		
Samuel Waller, as Clerk of Committees, to do.....	400	00		
William Coates, as Writing Clerk to do., Upper Canada.....	533	34		
John Bright, as Messenger of Legislative Council of do.....	80	00		
Louis Gagné, do do., Legislative Assembly, Lower Canada.....	72	00		
			1352	00
<i>Other Pensions.</i>				
Jacques Brien, for wounds received in the Public Service.....	80	00		
Pierre Bouchard do do.....	100	00		
Mrs. Widow Antrobus.....	800	00		
Mrs. Catherine Smith, as Widow of the late Mr. Justice Pyke.....	400	00		
Widow McCormick.....	400	00		
G. B. Faribault, as late Assistant Clerk of the Legislative Assembly.....	1600	00		
			3380	00
<i>Hospitals and other Charities.</i>				
Aid to the Toronto Hospital.....	8000	00		
do do do for (County Patients,).....	6000	00		
do Indigent Sick at Quebec,—and do Montreal,—2 at \$4,000.....	8000	00		
do Corporation of General Hospital at Montreal.....	5000	00		
do Emigrant and Marine Hospital, Quebec,—and do Kingston General Hospital,—2 at \$6000.....	12000	00		
do Hamilton Hospital.....	3200	00		

SCHEDULE—Continued.

SERVICE.	Amount.		Amount.	
	\$	cts.	\$	cts.
<i>Hospitals and other Charities—(Continued.)</i>				
Aid to Relief of Indigent Sick at Kingston.....	3000	00		
do Indigent Sick at Three-Rivers,—and do Toronto House of Industry,—2 at \$2,800	5600	00		
do St. Patrick's Hospital, Montreal.....	2000	00		
do Les Sœurs de la Providence, at Montreal,—and do London Hospital,—2 at \$1,400	2800	00		
do General Hospital des Sœurs de la Charité, at Montreal,—and do Kingston Hôtel-Dieu Hospital, 2 at \$1,000.....	2000	00		
do Protestant Orphans' Home and Female Aid Society, at Toronto, do Roman Catholic Orphan Asylum, at Toronto, do Kingston Orphan Asylum, do Hamilton Orphan Asylum, do do Roman Catholic do., do Protestant Hospital at Bytown, do Roman Catholic do do., do Montreal St. Patrick's Roman Catholic Orphan Asylum,—8 at \$800	6400	00		
do Montreal Protestant Orphan Asylum, do Montreal House of Refuge, do University Lying-in Hospital at Montreal, do do under the care of Sœurs de la Miséricorde, do Lying-in Hospital at Toronto, do Asylum of the Good Shepherd, at Quebec, do Hospice de la Maternité, at Quebec, do Deaf and Dumb Institution, Montreal,—8 at \$600	4800	00		
do Ladies' Benevolent Society, Montreal, for Widows and Orphans, do Roman Catholic Orphan Asylum, Quebec, do Male Orphan Asylum, Quebec, do Charitable Association of the Ladies of the Roman Catholic Asylum, at Montreal, do Managers, Protestant Female Orphan Asylum, Quebec, do Eye and Ear Institution, Montreal, do Montreal Dispensary, do Montreal Home and School of Industry, do Public Nursery for Children of the Poor,—9 at \$400	3600	00		

SCHEDULE—Continued.

SERVICE.	Amount.		Amount.	
	\$	cts.	\$	cts.
<i>Hospitals and other Charities—(Continued.)</i>				
Aid to Canada Military Asylum for Widows and Orphans, Quebec	200	00		
do towards support of Lunatic Asylum, at Toronto, do do do temporary do at Beauport, near Quebec,—2 at \$56,000.....	112000	00	184600	00
<i>Various Public Institutions.</i>				
Aid to the Medical Faculty, McGill College, do School of Medicine, Montreal, do do Kingston, do do Victoria College, Toronto, do Canadian Institute, at Toronto,—5 at \$1000... do do City of Ottawa, do Athenæum, Ottawa,—2 at \$400	5000	00		
	800	00		
Literary Associations and Mechanics' Institutes now organized, who have complied with the requirements of the Law	20000	00	25800	00
<i>Contingent Expenses of the Administration of Justice.</i>				
In Upper and Lower Canada, not otherwise provided for	180000	00		
For support of Provincial Penitentiary at Kingston ...	52400	00		
Additional Salary to John Black, Clerk in Registrar's Office, Court of Chancery.....	300	00		
do do William Stanley, do. Master's Office, do.....	300	00		
Salary of a Clerk of Process, Courts of Queen's Bench and Common Pleas, U. C.....	1400	00		
do of the Extra Clerk, Attorney General's West Office.....	400	00		
do Clerk in the Office of the Clerk of the Crown and Pleas, U. C.....	600	00		
do Clerk of Assize, Toronto.....	1200	00		
Additional Salary to Permanent Clerk, Crown Law Department.....	560	00		
do do to Judge Vice Admiralty Court, Quebec.....	1111	14	238271	14
<i>Miscellaneous Items.</i>				
Allowance to keepers of Depots of Provisions on the River St. Lawrence for the relief of Shipwrecked persons.....	800	00		
For providing provisions for such Depots.....	1400	00		

SCHEDULE—*Continued.*

SERVICE.	Amount.		Amount.	
	\$	cts.	\$	cts.
<i>Miscellaneous Items—(Continued.)</i>				
Allowance to Pierre Brochu for residing on Kempt Road, to assist Travellers thereon, do Jonathan Noble for the same purpose, do to a resident at the foot of the Metapedia for do. do to do. at Assametquagan, for do, —4 at \$100...	400	00		
For the expense of Printing and Binding the Laws...	24000	00		
For other Printing and Subscription to, and Advertising in, the Official Gazette.....	10000	00		
For expense of distributing the Laws.....	3400	00		
To meet unforeseen expenses in the various branches of the Public Service.....	6000	00		
Proportion of the expenses of keeping up Light-Houses on Isles of St. Paul and Scatterie, in the Gulf...	3000	00		
To defray the expenses of the Quebec Observatory....	2400	00		
do do of the Toronto do	4800	00		
New Indian Annuities.....	4400	00		
Expenses of protecting the Fisheries in the Gulf.....	7800	00		
For the maintenance of the Rideau and Ottawa Canal, from 1st April, 1858, to 31st March, 1859.....	32000	00		
One Year's Rent of the Protestant Burial Ground in St. John Suburb, Quebec.....	93	00		
Aid to the Board of Agriculture, Upper Canada	4000	00		
do do Lower Canada.....	4000	00		
To make good various Incidental Expenses of the Civil Government, incurred during the year 1857, as detailed in Statement A, of the Public Accounts, laid before the Legislature.....	257779	50		
To make good certain payments made under resolution of the Legislature, as per Statement B.....	70126	60		
Aid to Parliamentary Grant, under 14 & 15 Vic. Cap. 106, to Indians, Lower Canada.....	400	00		
Expenses for the Services of 150 of the Embodied Pensioners, on permanent duty in Upper Canada, for 1858.....	17600	00		
Compensation to Pensioners in lieu of Land.....	8000	00		
Aid towards Emigration Expenses for the present year.	12000	00		
Amount required to meet the deficiency of Expenses of Water Police, Quebec, for the present year..	3000	00		
For the Expenses of the River Police of Montreal, for 1858, \$9,000; of which to be borne by the Harbour Commissioners, \$3,700.—Balance required.	5300	00		
For Tug Service between Montreal and Kingston.....	24000	00		
For do below Quebec.....	54000	00		
Aid to Louis Vincent, an infirm Indian Schoolmaster, Huron Tribe.....	100	00		
do to Board of Arts and Manufactures for Upper and Lower Canada, \$500 each.....	1000	00		
			561799	10

SCHEDULE—Continued.

SERVICE.	Amount.		Amount.	
	\$	cts.	\$	cts.
<i>Education.</i>				
Aid towards Superior Education Income Fund, Lower Canada.....	20000	00		
do do Upper Canada....	20000	00		
			40000	00
Distributed as follows in Upper Canada :—				
	\$	cts.		
Aid to Upper Canada College.....	4444	42		
do Victoria College.....	3000	00		
do Queen's College.....	3000	00		
do Regiopolis College, Kingston....	3000	00		
do Grammar School Fund, Upper Canada.....	2355	58		
do St. Michael's College, Toronto...	2000	00		
do Belleville Methodist College.....	800	00		
do Bytown College.....	1400	00		
	\$20,000	00		
Additional Sum for Common Schools, Upper and Lower Canada.....				
			160000	00
[\$4,000 of which out of the Lower Canada share, for Normal Schools.]				
Total Currency.....				
			1712443	51
<i>Public Works Department.</i>				
1. Welland Canal—towards continuing the deepening and enlarging of the summit level to suit that of Lake Erie, that the canal may be supplied from that source—the supply from the Grand River proving insufficient.....				
	50000	00		
2. Completion of Light-Houses lately erected on Lake Huron, transatlantic freight and other carriage of the several lanterns, lighting apparatus and other machinery—erection and fixing of do.				
	13000	00		
3. Erecting accommodation on the caisson of Pointe Pelée Reef, for the Light keepers, provisions, Light-House supplies, and for the completion of the permanent stone structure—of this amount \$6,000 to be expended this year.				
	30500	00		

SCHEDULE—Continued.

SERVICE.	Amount.		Amount.	
	\$	cts.	\$	cts.
<i>Public Works Department—(Continued.)</i>				
4. Improvement of Back Waters, Newcastle District—certain amendments in Scugog River—dredging off short curves, chopping, clearing and grubbing in channel through drowned lands, materials and erection of new stone Lock at Lindsay, to be expended this year, \$14,285.....	50489	00		
5. Building of permanent Light House at Burlington Bay Canal, and reconstruction of piers.....	25645	00		
Public Buildings, repairs, maintenance and rents of.....	30000	00		
7. Addition to complete Custom House, Hamilton...	6951	00		
8. “ “ Post Office, London.....	16553	00		
9. “ “ Custom House and Post Office, Kingston.....	12000	00		
10. Completion of the Quebec Custom House, to be expended this year, \$20,000.....	100000	00		
11. On Survey of Ottawa.....	20000	00		
12. Continuation of Gaspé Road from North side of Gaspé Bay.....	6000	00		
13. Continuation of Metapediac Road.....	6000	00		
14. Continuation of Matane and Cap Chat Road.....	6000	00		
15. Completion of Slides and Dams on the Saguenay, commenced under estimate laid before the Legislature last Session.....	14060	00		
16. Opening and improving remaining portion of the Post Road from Malbaie to Grande Baie, to admit of the Mail being transported on horse-back.....	2000	00		
17. Extension of Main North Shore Road below Tadousac, to meet the portion opened from the eastward.....	2000	00		
18. Towards completion of the Temiscouata Road....	30000	00		
19. Completion of the Dredging of the Steamboat Channel, opened at the narrows of Lake Simcoe.	2000	00		
20. Ordnance Canals—Repairs of serious breach at Long Island—Building of Dams, &c.....	12000	00		
21. Pier at Anicet.....	2000	00		
22. Survey of Yamaska River.....	1000	00		

SCHEDULE—*Continued.*

SERVICE.	Amount.		Amount.	
	\$	cts.	\$	cts.
<i>Supplementary Estimate.</i>				
23. Postal extension to Lake Superior and Red River, also down the Gulf of St. Lawrence, and to Pictou, in connexion with New Brunswick, \$10,000 each.....	20000	00		
24. Board of Arts and Manufactures.....	3000	00		
25. St. Hyacinth Hospital, and Destitute Irish Society, at Quebec, \$400 each.....	800	00		
26. For publication of Tracts, &c., to encourage emigration.....	2500	00		
27. Prizes for Essays on diseases of the Wheat.....	320	00		
28. For publication of same in English and French..	2772	00		
29. For binding 219 volumes of English Patents and Specifications.....	1040	00		
30. Colonization Fund.....	100000	00		
31. Appropriation for Parliamentary Library.....	2000	00		
			570630	00
Total.....			2283073	51

CAP. LXXIV.

An Act to make more advantageous provision for the redemption of Provincial Debentures and the Consolidation of the Public Debt, and for other purposes.

[Assented to 16th August, 1858.]

Preamble.

12 V. c. 5, re-cited.

WHEREAS by the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act for the better management of the Public Debt, Accounts and Revenue*, it is amongst other things in effect enacted, That it shall be lawful for the Governor in Council from time to time, and as the interests of the public service may require, to redeem or to purchase on account of the Province, all or any of the then outstanding Debentures constituting the Public Debt of this Province, or of either of the late Provinces of Lower or Upper Canada, or all or any of the Debentures issued by Commissioners or other Public Officers, under the authority of the Legislatures of either of the late Provinces of Lower or Upper Canada, or of the Legislature of Canada, the interest

interest or principal of which Debentures is made a charge on the Consolidated Revenue Fund of this Province, and to issue new Debentures to an amount not exceeding that of the Debentures so redeemed or purchased,—or it shall be lawful for the said Governor in Council to arrange with the holders of any such Debentures as are hereinbefore described to accept in lieu thereof new Debentures which the said Governor in Council is authorized to cause to be issued, and the principal and interest whereof shall be respectively payable out of the Consolidated Revenue Fund of this Province at such times as the said Governor in Council may direct,—and that all Debentures authorized by the said Act may be made payable in sterling money of Great Britain or in the currency of this Province, and may be made payable, as may also the interest thereon, at such place either within or without this Province as the Governor in Council may direct, and the interest on such Debentures may be fixed at such rate, not exceeding the then legal rate, as the Governor in Council may direct; And it is further provided, that nothing in the said Act shall be construed to authorize the Governor in Council to increase the aggregate amount of the Public Debt of the Province without the authority of the Provincial Parliament; but that this shall not be construed to prevent the issue of Debentures as aforesaid for the purpose of applying the proceeds thereof to the purchase or redemption of other Debentures; And whereas it may be found more advantageous for the Province to redeem or purchase such outstanding Debentures as in the said Act are mentioned, by the issue of Provincial Stock as hereinafter provided, or to arrange with the holders of such Debentures to accept such Provincial Stock in lieu thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. It shall be lawful for the Governor in Council to create a Permanent Provincial Stock which shall be known as the Canadian Consolidated Stock, and shall be personal property, and shall bear interest at the rate of four and a half per cent. per annum, payable half yearly on the first day of January and the first day of July, and which, and the interest thereon, shall be chargeable upon and payable out of the Consolidated Revenue Fund of this Province; and the said Stock shall not be paid off before the first day of January, in the year of our Lord, one thousand eight hundred and ninety, but may be paid off on or after that day at the option of the Provincial Government, provided one year's previous notice to that effect shall have been given in the *London Gazette* in England under an Order of the Governor in Council, authorizing such notice: And the said Stock shall be in sterling money of Great Britain, and shall be managed and the interest thereon paid in the City of London in England, by the Fiscal Agent or Agents of the Province, and shall be transferable there by such Agent or Agents, in such sums, in such manner and under such regulations as to the management

Governor in Council may create a permanent provincial four and a half per cent. Stock.

To be in sterling money and managed in England under regulations of the Governor in Council.

management and transfer thereof as shall be from time to time made in that behalf by the Governor in Council.

Inspector General may be empowered to sell such stock and apply the proceeds to the redemption of outstanding Provincial Debentures.

2. It shall be lawful for the Governor in Council to authorize the Inspector General from time to time to dispose of the said Stock and to apply the proceeds to the purchase or redemption of any outstanding debentures for the purchase or redemption of which New Debentures might be issued under the enactments cited in the Preamble of this Act, or to arrange with the holders of such outstanding debentures to accept in lieu thereof such amount of the said Stock as may be agreed upon; and any sum then accrued for interest on such Stock shall be reckoned as part of the amount thereof, except in so far as it may be compensated by interest then due on such outstanding Debentures, any excess of interest on which then accrued shall be paid.

Act 16 V. c. 22, recited.

3. And whereas by the Act of the Parliament of this Province, passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, and the Acts amending the same and extending it to Lower Canada,—after reciting that it would greatly facilitate the borrowing upon advantageous terms of such sums as may be required by any County, City, Town, Township or Village Municipality, for effecting or aiding in effecting important works calculated to benefit such County, City, Town, Township or Village, that such sums should be raised by Debentures issued upon the credit of a Consolidated Municipal Loan Fund under the management of the Provincial Government, instead of being raised on the separate credit of each individual Municipality,—it is in effect enacted, that there shall be such Consolidated Municipal Loan Fund, to consist of all moneys which under the said Act or any other Act shall be directed to form part of the said Fund; and that such Fund shall be managed by the Receiver General, under the directions of the Governor in Council, and that the books and accounts thereof shall be kept in his office;—and further, that such Municipalities as aforesaid, may, in the manner and on the conditions provided by the said Act, borrow money on the credit of the said Fund, for the purposes in the said Acts mentioned,—and further, that it shall be lawful for the Receiver General to issue Debentures secured upon the said Fund, and to raise money upon them, and pay over such money to the Municipalities desirous of borrowing money upon the credit of the said Fund or to deliver such Debentures to the Treasurers of such Municipalities respectively, which Municipalities shall thereafter raise and pay over to the Receiver General the sums necessary to pay the principal and interest of such Debentures in the manner set forth in the said Acts;—and further, that the said Debentures shall express upon their face that the Provincial Government undertakes to pay the principal sum mentioned therein, and the interest thereon, out of the moneys forming

forming part of the said Consolidated Municipal Loan Fund, and out of no other money or Funds whatsoever;—And whereas many Debentures (known as Municipal Loan Fund Debentures) have been issued by the Receiver General under the said Acts and are now outstanding, but their market value has been lowered and their negotiation rendered less easy by the terms and provisions of the Acts aforesaid,—it is therefore enacted, That its hall be lawful for the Governor in Council to authorize the Inspector General, from time to time, to sell Stock created under this Act, and with the proceeds thereof, to purchase Municipal Loan Fund Debentures issued or to be issued under the authority of the above recited Acts, such purchase to be made by tender under such conditions as may be determined by the Governor in Council, and of which due notice shall be given in the *Canada Gazette*: Provided that no such purchase shall in any way lessen or impair the obligation of any Municipality to pay the principal and interest of any Debt incurred under the said Acts, and the contribution to the Sinking Fund, constituted by the said Acts, to the Receiver General at the times and in the manner therein prescribed, or shall impair or affect any remedy given by the said Act or any Acts amending it for enforcing such payment.

Municipal Loan Fund Debentures may be exchanged for Stock by public tender.

Proviso: Liability of Municipalities not to be affected.

C A P . L X X X V .

An Act to amend the Laws of this Province regulating the Rate of Interest.

[Assented to 16th August, 1858.]

WHEREAS it is expedient to amend the laws relating to Interest of Money, and for that purpose to repeal the third section of the Act of the Parliament of this Province, passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to modify the Usury Laws*, as to future contracts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

16 V. c. 80.

1. From and after the passing of this Act, the third section of the Act mentioned in the preamble of this Act shall be, and the same is hereby repealed, except only as to contracts made after it came into force and before the passing of this Act, as to which it shall remain in force.

Section 3 of the said Act repealed.
Exception.

2. It shall be lawful for any person or persons, other than those excepted in this Act to stipulate for, allow and exact, on any contract or agreement whatsoever, any rate of interest or discount which may be agreed upon.

Private parties may agree for and recover any rate of interest.

3. It shall not be lawful for any Bank incorporated by any Act of the Legislature of this Province, or of the late Provinces

Banks not to take more

than 7 per cent. per annum.

13 & 14 V. c. 21.

7 per cent. may be taken in advance by Banks.

of Upper or Lower Canada respectively, or by Royal Charter, nor for any Bank established or to be established under the provisions of the Act of the Legislature of this Province, passed in the Session thereof, held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to establish freedom of Banking in this Province, and for other purposes relative to Banks and Banking*, to stipulate for, take, reserve or exact a higher rate of discount or interest than seven per centum per annum: and any rate of interest not exceeding seven per centum per annum may be received and taken in advance by any such Bank; and it shall be lawful for any such Bank to allow and pay any rate of interest whatsoever upon moneys deposited in such Bank.

Notwithstanding 19, 20 V. c. 48, Banks to take no more than certain rates of premium on paper discounted elsewhere than where it is payable.

4. Notwithstanding any thing to the contrary in the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, chapter forty-eight, intituled, *An Act for enabling all the Chartered Banks in this Province to enjoy a certain privilege therein mentioned*, or in any other Act or Law, it shall not be lawful for any Bank or Banking Institution, carrying on business as such in this Province, in discounting at any of its places or seats of business, branches, agencies or offices of discount and deposit any note, bill or other negotiable security or paper payable at any other of its own places or seats of business, branches, agencies or offices of discount and deposit within this Province, to receive or retain in addition to the discount any amount exceeding the following rates per centum, according to the time it has to run, on the amount of such note, bill or other negotiable security or paper, to defray the expenses attending the collection of such bill, note or other negotiable security or paper, that is to say, under thirty days, one-eighth of one per cent., thirty days and over but under sixty days, one-fourth of one per cent., sixty days and over but under ninety days, three-eighths of one per cent., ninety days and over, one-half of one per cent.

6 per cent. to be the rate where noother is agreed upon.

5. Six per cent. per annum shall continue to be the rate of interest in all cases where, by the agreement of the parties or by law, interest is payable, and no rate has been fixed by the parties or by the law.

Act not to apply to corporations, &c.

6. Nothing in this Act shall be construed to apply to any Corporation, or Company, or Association of persons, not being a Bank, heretofore authorized by law to lend or borrow money.

C A P . L X X X V I .

The Fishery Act.

[Assented to 16th August, 1858.]

Preamble.

WHEREAS it is expedient to make better provision for the preservation and regulation of the fisheries of this Province:

Province : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The Act eighteenth Victoria chapter one hundred and forty-four,--the Act twentieth Victoria chapter twenty-one, and the fourth section of the Act of the Legislature of Upper Canada, third William the Fourth, chapter twenty-nine, are hereby repealed. Acts and parts of Acts repealed.

2. No provision of law repealed by any Act cited in the next preceding Section shall revive by the repeal of the said Laws. Acts repealed not to revive.

3. Notwithstanding the repeal of the Acts enumerated in Section one, every penalty incurred shall remain recoverable ; and every legal proceeding commenced may be continued as if the said Acts were not repealed. Repeal not to affect penalties incurred, &c.

PROTECTION OF FISHERIES.

4. The Governor in Council may grant special fishing leases and licenses on lands belonging to the Crown, for any term not exceeding nine years, and may make all and every such regulation or regulations as may be found necessary or expedient for the better management and regulation of the Fisheries of the Province. Governor in Council may grant fishing licenses and leases, &c. Regulations.

5. The Governor may, as occasion shall require, appoint two Superintendents of Fisheries, one for Upper and one for Lower Canada, whose powers and duties shall be defined by this Act and the regulations to be made under it ; but any appointment made under the fourth section of the Act twentieth Victoria chapter twenty-one, shall remain valid as if made under this Act. Four Overseers may be appointed by the Commissioner of Crown Lands, in such places, and in such divisions of territory, as may be considered necessary, to perform such duties under this Act, and the regulations to be made under it, as may be required by the Commissioner of Crown Lands, and the salary of such Overseers shall not exceed one hundred pounds per annum. Appointment and duties of Superintendents of Fisheries ;
And of Overseers of Fisheries.

6. All subjects of Her Majesty, but none other, may, for the purposes of trade and commerce--- Rights of Fishermen.

1. Take bait and fish in any of the harbours, roadsteads, bays, creeks or rivers of the Province ; Taking bait and fishing.

2. Land anywhere on public property for the purpose of salting, curing and drying fish ; Landing and curing fish.

3. Cut wood there for the purpose of repairing stages, drying places, flakes, hurdles, cook-rooms and other purposes Cutting wood.

purposes necessary or useful for preparing or dealing with fish ;

Occupying
beaches.

4. Take possession of any unoccupied portion of the beach which may be necessary for curing fish, and hold the same so long as the same shall not have been abandoned during twelve consecutive months ;

Recovering
value of
stages, &c.

5. Any such subject having so occupied any such portion of the beach may, during the year next after he shall have been twelve months without occupying it, demand personally or by his Attorney the value of his flakes and stages and other property, of which a new occupant shall have taken possession ; and

Carrying
away impro-
vements, &c.

6. Carry away his buildings and improvements, after the close of the fishing season, after having so demanded the value thereof, if he shall not have received the same from the new occupant.

Sect. 6 not to
affect private
property, &c.

7. But nothing contained in the sixth section shall affect private property or prevent the Crown from disposing or taking possession of any public land or beach so occupied for fishing purposes.

Waters may
be set apart
for propaga-
tion of fish.

8. The Governor in Council may cause to be set apart any river or other water for the natural or artificial propagation of Salmon, Trout, or other fish.

Fishing with-
in the King's
Posts.

9. The Governor in Council may grant permission to fish in the Rivers within the King's Posts.

Powers under
sect. 50, to ap-
ply to U. C.,
as well as
L. C.

10. The same powers that, by the fiftieth section of this Act, are vested in the Governor in Council, in relation to Lower Canada, shall and are hereby made to apply to the Upper Canada.

Throwing bal-
last, offal, &c.,
prohibited.

11. Whoever shall throw overboard ballast in any river, harbour or roadstead, where fishing is carried on, or the remains of offal of fish, in any such river, or within three miles of the coast of the mainland, or of any island, or on any fishing bank, shall incur a fine not exceeding twenty pounds, and the Master or Owner of such Vessel or Boat, from which such ballast or offal of fish shall have been thrown, shall be held liable for every such offence ; Provided always that it shall be lawful for any person to bury such offal of fish on the mainland or any island at a distance of not less than an acre from the beach thereof.

Proviso.

Impeding fish-
ing.

12. No one shall anchor near the shore in such a manner as to impede the throwing and hauling of seines, or the setting of standing nets.

- 13.** No one shall set standing nets in such a manner so to impede the throwing or the hauling of seines. The same.
- 14.** No one shall set seines or nets in such a manner as to impede the navigation or anchorage in any bay, harbour or roadstead, or other place required for navigation. Impeding navigation.
- 15.** Any person contravening any of the three next preceding sections, shall for each offence incur a fine not exceeding five pounds, and shall nevertheless remain liable for any damage which the party injured by such contravention may recover against him by Law. Penalty for contravening sects. 12, 13, 14.
- 16.** Any person who shall for fishing purposes have placed in any river, or in the sea, near the shore, any stake or other timber whatever, shall, on pain of a fine not exceeding five pounds, remove the same within eight days from that on which it shall have been last used. Penalty for removing fishing stakes.
- 17.** No one shall, between the first of May, and the first of November in any year, seize or attach any boat or vessel, tackle, net, seine or other fishing utensils, or any provisions belonging to any fisherman, or necessary for his subsistence, or his fishing operations, except for the recovery of penalties or fines imposed under this Act. Exemption of fishing tackle from seizure, &c. Exception.
- 18.** Any person, who, having been engaged by any written agreement to fish on any conditions, or assist in any fishing, shall refuse to fulfill any such engagement, or shall abandon his employer's service, during the term of his engagement, shall thereby incur a fine not exceeding ten pounds, or imprisonment for not more than one month. Penalty for deserting fishing service.
- 19.** Whoever shall engage or endeavour to engage any person then engaged as aforesaid in any way to fish, or assist in any fishery, shall thereby incur a penalty not exceeding ten pounds, or imprisonment for not more than one month. Or seducing away persons engaged therefrom.
- 20.** Any person engaged to fish, or assist in any fishery, shall, for securing his wages, or share, have a first lien, preferable to that of any other creditor, upon the produce of his employer's fishery, and may recover the sum or share due to him before the nearest competent tribunal. Lien in favor of fishermen.
- 21.** With a view to protect the Oyster Beds to be formed on the different parts of the Canadian bays and coasts, it shall not be lawful for any person to take Oysters, or in any way to injure or disturb such Oyster Beds, until permitted to do so, by an order from the Commissioner of Crown Lands, which order shall be published in the Official Gazette and in such other newspapers as the Commissioner may direct, under a penalty of not more than twenty-five pounds, nor less than Penalty for disturbing oyster beds, except at times permitted by order of the Commissioner of Crown Lands.

than ten pounds, together with the forfeiture of the vessel and all the apparatus employed therein.

Meshes of cod seines not to be under a certain size.

22. It shall not be lawful to use Mackerel, Herring, nor Caplin seines, for the taking of Codfish; and no Codfish seine shall be of a less sized mesh than three inches in extension in the arms, and two and a half inches in the bunt or bottom of the seine, under penalty, and on pain of the forfeiture of the seine.

Nets not to be used in Burlington Bay, &c.

23. It shall not be lawful to fish with any kind of net or seine in Burlington Bay nor Dundas Marsh.

Period for salmon fishing limited.

Exception as to fly-fishing.

24. It shall not be lawful to fish for, catch or kill salmon in any way whatever, between the first day of August and the first day of March in any year; Except only, that it shall be lawful to fish for salmon, with a rod and line, in the manner known as fly-surface-fishing, from the first of March to the first of September in any year, in Upper or Lower Canada.

Also killing at certain places.

25. It shall not be lawful to use any net, or to take salmon in any way whatever, at any salmon-leap, or where any artificial salmon pass shall have been constructed, nor in any pools or ponds where salmon are wont to spawn.

Main channel of Rivers not to be obstructed.

26. Whoever shall obstruct the main channel or course of any river, either by placing therein nets or fishing apparatus of any kind, or any obstacle of any kind whatever, for the purpose of taking salmon or any other species of fish, shall thereby incur for each offence, a fine not exceeding Five Pounds, and the forfeiture of his fishing apparatus; and in no case shall the said channel or course so left open be less than one third of the whole breadth of such river.

Penalty.

Fishways to be attached to dams.

27. The owner of any dam or slide where fish may ascend, shall, for the purpose of affording a passage to the fish, attach and maintain to each dam or slide, a fishway of such form and dimensions as shall be determined by the Superintendent of Fisheries, under a penalty of One Pound for each day on which he shall fail so to do after two months' notice by the Superintendent.

Penalty.

Penalty for taking salmon in contravention of sect. 24.

Penalty.

28. Any Salmon taken in contravention of the twenty-fourth section of this Act, shall subject all parties concerned in the breach of the said section, whether the actual transgressors or accessories, to a penalty of not more than ten pounds, nor less than five pounds, together with the forfeiture of the fish, canoe, boat or other vessel in which the fish may have been placed, or to imprisonment for a period of not more than six months, nor less than three months.

29. The meshes of any net used for the taking of Salmon, shall not be less than five inches in extension, knot to knot, under penalty and on pain of forfeiture of the nets. Size of meshes of salmon nets.

30. It shall not be lawful to fish with any net or seine whatever, of a less sized mesh than one and a half inches on the square in any Lake, River or Bay, or in any of the waters of Upper Canada. No net to be less than two inches mesh.

31. It shall not be lawful to fish for, catch or kill any kind of trout in any way whatever, between the twentieth of October and the first of February in any year, in Lower Canada. Period for killing trout ;

32. It shall not be lawful to kill any kind of speckled trout, in any way whatever between the twentieth of October and the first of April in any year ; nor shall any Speckled Trout be killed at any time by means of nets or seines in any Inland Lake, River nor Stream in Upper Canada. And for killing speckled trout. Not to be taken with nets in U. C ;

33. It shall not be lawful to catch trout, by means of nets or seines, in any lake or river, or at the outlet or inlet of any lake, or in any river except the River St. Lawrence, in Lower Canada. Nor in L. C., at certain places.

34. It shall not be lawful to catch Salmon-trout between the fifteenth day of November and the first day of February. Time for killing salmon-trout, &c.

35. It shall not be lawful to catch Maskinongé, Pickerel, nor Black Bass, between the fifteenth of March and the fifteenth day of May. And for certain other fish.

36. It shall not be lawful for any person to buy, sell or have in possession any Salmon, Salmon-Trout, nor any kind of Trout, Bass, nor Maskinongé, taken in contravention of this Act; and any fish so taken may be declared forfeited by any Magistrate whomsoever, and any person so found in possession of any of the aforementioned fish, or of any part or portion thereof, shall be held to have obtained the same in violation of the provisions of this Act, except only upon legal proof to the contrary, which proof shall devolve wholly upon the person accused. Fish not to be bought or sold in the close season. Proof.

37. It shall not be lawful to construct any fish pound in any river. Fish-pounds.

38. The Superintendent of Fisheries may grant written permission to any person or persons who may be desirous of obtaining spawn for *bonâ fide* artificial or scientific purposes, to fish for that purpose, during the close season. And any person who may wilfully injure or destroy any place set apart for the artificial propagation of fish, shall incur a fine of not less than five pounds nor more than ten pounds. Permission may be given to take fish for spawn in the close season, &c.

Right of possession in fishing stations.

39. Every subject of Her Majesty, who shall be in peaceable possession of any fishing Station at the time of the passing of this Act, shall be deemed the owner thereof, for the purposes of this Act and he shall be deemed so to be when he shall not have abandoned it during twelve consecutive months; and it shall not be lawful for any other person to set therein any apparatus for catching fish so as to injure his fishery.

Lime and drugs not to be used to catch fish.

40. It shall not be lawful to throw lime, or any chemical substance or drug, into any water frequented by any one of the kind of Fish mentioned in this Act, and any person found guilty of having thrown lime or any other chemical substance or drug in such waters shall be subjected to penalty of not less than five pounds and not more than ten pounds for each offence.

Penalty.

Recovery of penalties.

41. Every penalty or forfeiture imposed by this Act or the regulations to be made under it, may be recovered on complaint before the Superintendent of fisheries, or any Stipendiary or other Magistrate, in a summary manner, upon the oath of one credible witness; and the proceedings and the costs to be recovered shall be the same as provided by law in either Section of the Province in other cases where summary jurisdiction is given to Magistrates, except in so far as it may be otherwise herein provided.

Penalty where no other is provided.

42. In every case of contravention of this Act, or of the regulations to be made under it, for which no other penalty is provided, the offender shall incur a fine of not less than two pounds nor more than five pounds.

Limitation of suits.

43. All penalties incurred under this Act must be sued for within twelve months from the commission of the offence.

Committal for non-payment.

44. Any offender who shall not forthwith pay the fine and costs he may have been condemned to pay, shall be committed to Gaol for a term of not less than one month, nor more than six months, at the discretion of the Magistrate before whom the offender may have been convicted.

Delay between service and return.

45. There shall not be less than three days between the service and the return of the Summons to any Defendant, for the first five leagues, and one day more for each additional five leagues, of the distance between the place at which the Summons is dated and the place where it is served.

Conviction on view.

46. The Superintendent of Fisheries, or any Stipendiary or other Magistrate, may convict upon view, of any of the offences punishable under the provisions of this Act.

Defendant compellable

47. When the defendant shall not be a resident in the Province, and it shall be expedient to proceed against him without

without delay, the Superintendent of Fisheries, or any Stipendiary or other Magistrate may, upon complaint, issue a Summons returnable immediately, to compel the defendant to appear before him without delay, or he may issue a Warrant for the apprehension of such defendant simultaneously with the Summons.

to appear immediately in certain cases.

48. The Superintendent of Fisheries, or any Stipendiary or other Magistrate, may search, or grant a warrant to have searched, any vessel or place where he may have cause to believe that any fish taken in contravention of this Act, may have been concealed.

Searches and search warrants in certain cases.

49. One moiety of the pecuniary fines and of the forfeitures under this Act, or under the regulations to be made by virtue thereof, shall belong to Her Majesty, and the other moiety to the complainant.

Application of fines and forfeitures.

50. The powers heretofore vested in the Municipalities by the Seventh sub-section of the Nineteenth Section of the Act Eighteenth Victoria, Chapter One hundred, and by the Eighteenth sub-section of the Sixtieth section of the Act Twelfth Victoria, Chapter Eighty-one, as the said sub-section is extended by the Sixty-seventh and One hundred and Sixth Sections of the said Act, are hereby transferred to and vested in the Governor in Council.

Power to make regulations transferred to Governor in Council.

51. Complaints under this Act may be in the form A;— Summonses in the form B;—Supenas in the form C;—Convictions in the form D,—and Warrants in the form E., of the Schedule hereunto annexed, or in any other form; and in other respects the Acts relative to Summary Convictions by Justices of the Peace shall apply to cases under this Act, and the Superintendent of Fisheries shall, as regards such cases, be deemed a Justice of the Peace for that section of the Province for which he is appointed, whether otherwise qualified or not; and in any proceeding under this Act, an offence against any regulation made under this Act may be stated as an offence against this Act.

Forms under this Act.

DEVELOPEMENT AND ENCOURAGEMENT OF FISHERIES.

And for the further developement of the fisheries of the Province, and for the encouragement of all parties, residents of Canada, who may engage therein, it is further enacted, That—

52. The owner or owners of a vessel built in Canada, when employed in the following fisheries, viz: Seals, Codfish, Mackarel, Herring or Whale, for at least three consecutive months, shall be entitled to a bounty of—

Bounty to Canadian fishing vessels.

1. Three dollars per ton, for three months consecutive fishing;

2. Three dollars and a half per ton for three months and a half, consecutive fishing;

3. And four dollars per ton for four months consecutive fishing. But no vessel shall receive the bounty for more than one voyage.

How such vessels must be manned;

53. All vessels, to be entitled to the bounty, must be manned in accordance with the following rates, viz :

Vessels from 20 to 40 tons, to carry 8 men ;

Vessels from 40 to 60 tons, to carry 10 men ;

Vessels from 60 to 80 tons, to carry 12 men ;

And registered ;

And such vessel or vessels must be registered in the Office of the Collector of Customs in accordance with the provisions of this Act and of the Law, and the tonnage for the purposes of this Act shall be calculated as provided by the Act eighth Victoria, chapter five.

And licensed.

54. The owner or owners of all vessels about to be employed in the Fisheries having conformed to the regulations of this Act, must obtain a license from the Superintendent of Fisheries or from the nearest Collector of Customs.

Crew to be three-fourths Canadian.

55. The vessel to be entitled to the bounty, must be manned by at least three-fourths British Canadian subjects.

And the vessel Canadian owned.

56. No vessel shall be entitled to the bounty, that is not the property of a Canadian British subject.

Not under 20 tons.

57. No vessel under twenty tons register, shall be entitled to receive the bounty.

No bounty for more than 80 tons.

58. The bounty shall not be given for more than eighty tons, even should the vessel exceed that tonnage.

Fish must be inspected.

59. No owner of a vessel shall be entitled to receive the bounty, unless the fish taken shall have been inspected in accordance with the Act for the Inspection of Fish.

Fishermen must be under articles.

60. No vessel, employed as aforesaid shall be entitled to the allowance granted by this Act, unless the master or owner thereof shall, before he proceeds on any fishing voyage, make an agreement in writing or print with every fisherman employed therein.

61. If any duly licensed vessel be wrecked on her homeward voyage, upon its being proved (under oath) that she has been engaged in the fisheries, the owner thereof shall receive such portion of the bounty as it shall be proved he is legally entitled to.

As to fishing vessels wrecked.

62. No trading vessel or vessels engaged in carrying cargoes during the fishing season, shall be entitled to receive the bounty.

Fishing vessels not to carry cargoes.

63. One third of such bounty shall be distributed between the crew of the fishing vessel in equal proportions, and the remaining two thirds to the owner thereof—or the bounty may be distributed, as it may be agreed upon by an instrument or declaration to be made in writing by the parties.

Bounty divided between crew and owner.

64. When any vessel shall have ended her fishing voyage, the owner thereof must report to the Superintendent of Fisheries or to the nearest Collector of Customs who, upon proof given under oath, may grant a certificate that the owner of such vessel is entitled to the bounty.

Report when the voyage is ended.

65. Any company who may form an association for the purpose of carrying on the fisheries, shall receive such portions of the bounty, as accords with the number of shares, which individually may be held by the members of such association.

As to Fishing Companies.

66. All parties who may be entitled to a bounty shall transmit or cause to be transmitted to the Superintendent of Fisheries, the certificate shewing that they are entitled to a bounty; and upon the receipt of such certificate, the Superintendent of Fisheries is authorized to pay to such party, or his representatives, the sum to which he is entitled, after having obtained the approval of the Commissioner of Crown Lands.

By whom and on what proof, &c., the bounty shall be paid.

67. The said bounty shall be paid out of the revenue arising or that may arise from the lease or license of any Salmon or other fishery, but the amount of bounty to be paid shall not exceed three thousand five hundred pounds per annum.

Out of what funds.

68. Any person who shall make a false oath or affirmation, with intent to obtain the bounty fraudulently, upon being duly convicted thereof, in any Court of Justice having jurisdiction of such offence, shall be deemed guilty of wilful and corrupt perjury, and shall be punished accordingly.

False swearing, &c., to be perjury.

69. If any Vessel licensed to carry on the fishery be found within three miles of the coast with any goods, wares or merchandise of foreign produce or manufacture, except such as are necessary for the maintenance and use of the crew, such vessel, together with such goods, wares or merchandise, shall be subject to seizure and forfeiture.

Licensed vessels found with foreign goods on board to be forfeited, &c.

, at o'clock in the , to answer the said complaint and be dealt with according to Law.

Witness my hand and seal, this day of , 185 .

J. S., Superintendent of Fisheries for Lower Canada, (or Justice of the Peace for , as the case may be.)

[L. S.]

SCHEDULE C.

Subœna to a Witness.

Upper (or Lower) Canada, }
County (or District) of . }

To E. F., of , &c.

Whereas complaint has been made before me that C. D. did (*state the offence as in the Summons*), and I am informed that you can give material evidence in the case; Therefore, you are commanded to appear before me, at , on the day of , at o'clock in the to testify what you know concerning the matter of the said complaint.

Witness my hand and seal, this day of , 185 .

J. S., Superintendent, &c.,
(*as in Summons.*)
[L. S.]

SCHEDULE D.

Form of Conviction.

Upper (or Lower) Canada, }
District (or County) of . }

Be it remembered, that on this day of 18 , at , in the said County (or District,) C. D., of , is convicted before me, for that he did, &c., (*stating the offence briefly, and the time and place where committed,*) in contravention of the Fisheries Act; And I adjudge the said C. D. to forfeit (and pay) the sum of (or *mention the thing forfeited under this Act,*) to be applied according to law, and also to pay to A. B. (*the complainant*) the sum of for costs:

If

If the penalty be not forthwith paid, add,---and the said C. D. having failed to pay the said penalty and costs forthwith after the said conviction, I adjudge him to be committed to and imprisoned in the Common Gaol of the County (or District) of _____ for the period of _____

Witness my hand and seal, this _____ day of _____, 185 .

J. S.

(as in Summons.)

[L. S.]

SCHEDULE E.

Form of Warrant of Commitment for non-payment of penalty or forfeiture, and costs.

Upper (or Lower) Canada, }
District (or County) of . }

To the Constables and Peace Officers of the District (or County) of _____, and the Keeper of the Common Gaol of the said District (or County), at _____ :

Whereas C. D., of _____, was, on the _____ day of _____ 18____, convicted before me, for that he, &c. (as in Conviction,) and I did thereupon adjudge the said C. D. to forfeit and pay to A. B. &c., (as in Conviction;) And whereas the said C. D. hath not paid the said penalty or forfeiture and costs. Therefore, I command you the said Constables and Peace Officers, or any of you, to convey the said C. D. to the Common Gaol for the _____ of _____, at _____, and deliver him to the keeper thereof with this warrant; And I command you the said keeper of this said Gaol, to receive the said C. D. into your custody, and keep him safely imprisoned in the said Gaol for the space of _____, and for so doing, this shall be your sufficient warrant.

Witness my hand and seal, this _____ day of _____, 18 .

J. S.

(as in Summons.)

[L. S.]

SCHEDULE F.

No. 1.

FORM OF APPLICATION FOR FISHING LICENSE.

A. B., _____, owner of the _____, built at _____, Tons register, and carrying _____ men, being about _____

about to engage in the Fisheries of the Province, requests that you will grant him a License under the Act 22nd Vict., chap.

To C. D.,

Collector of Customs.

No. 2.

FORM OF FISHING LICENSE.

Your application for a License being in accordance with the requirements of the Act 22nd Vict., chap. , in virtue of the authority given me, I hereby grant you the said License to fish in conformity therewith.

To A. B.

Owner of the

C. D.

Collector of Customs.

No. 3.

FORM OF CERTIFICATE.

A. B., owner of the register, and carrying every respect to the requirements of the law relating to bounties, and having been engaged is entitled to the sum of _____ of _____ Tons men, having conformed in _____ months constant fishing, _____ dollars , in accordance with the Act 22nd Vict., chap.

CAP. LXXXVII.

An Act to provide for the Inspection of Hops.

[Assented to 16th August, 1858.]

WHEREAS it is expedient to make provision for the In- Preamble.
spection of Hops: Therefore, Her Majesty, by and with
the advice and consent of the Legislative Council and Assem-
bly of Canada, enacts as follows:

1. From and after the day on which this Act shall come into force, it shall be the duty of the Minister of Agriculture, upon the receipt of any requisition signed by not less than twenty persons concerned in the production or consumption of Hops, setting forth the necessity of the appointment of an Inspector of Hops in any incorporated City in this Province, to cause a notice to be inserted in the *Official Gazette* and in two newspapers published in such incorporated City, to the effect that each and every person resident and doing business in such incorporated City who may be desirous of being appointed to the office of Inspector of Hops under this Act, may, within two months from and after the first insertion of such notice, transmit to the Minister of Agriculture a statement, under oath, setting forth his name, place of business, and the length of time during which he has been concerned in the growth, or consumption, of, or traffic in Hops (as the case may be,) and the quantity of Hops produced, consumed, bought or sold by him during such period, accompanied by such testimonials of his skill in judging of the qualities of Hops as he may see fit and be able to procure, and signifying also his desire to be appointed to the office of Inspector of Hops under this Act.

On a certain requisition, the Minister of Agriculture shall advertise for persons willing to become Inspector of Hops in any City.

2. It shall be lawful for the Governor in Council, after the expiration of two months from the first insertion of the notice mentioned in the next preceding section, to appoint from among the applicants who shall have complied with the requirements mentioned in such notice, the person who shall seem to be best suited to the discharge of the duties of the office, to be an Inspector of Hops; But before any person so appointed as Inspector shall act as such, he shall furnish two good and sufficient sureties who shall be bound with himself for the due performance of the duties of his office in the sum of one hundred pounds currency each; And such sureties shall be approved by the Mayor or chief municipal authority of the City for which the said Inspector shall be appointed; And a bond shall be executed to Her Majesty in the form used with regard to the sureties of persons appointed to offices of trust in this Province; And such bond shall avail to the Crown and to all persons whomsoever who shall or may be aggrieved by the breach of the conditions thereof; And no such Inspector shall allow any person whomsoever to act for him about the duties

The applicant best qualified shall be appointed.

He must give security.

No person to act except in-

Inspector or his sworn Assistant. of his office excepting only his sworn Assistant or Assistants, to be appointed in the manner hereinafter provided.

Custody of the Bond. **3.** The bond of suretyship which shall be executed by such Inspector and his sureties, by virtue of this Act, shall be made and shall be kept at the office of the Clerk of the Corporation of the City for which such Inspector shall be appointed; And every person shall be entitled to have communication and copy of any such bond or suretyship at such Clerk's office, upon payment of one shilling currency for each communication, and of two shillings and six pence currency for each copy.

Fees for copies, &c.

Inspector to be sworn. **4.** Each person appointed an Inspector of Hops under this Act, shall, before he shall act as such, take and subscribe an oath before the Mayor of the City for which he shall be appointed (which Mayor is hereby authorized to administer the same,) in the words following, to wit :

The oath.

" I, A. B., do solemnly swear, that I will faithfully and truly and impartially, to the best of my judgment, skill and understanding, do and perform the office of an Inspector of Hops, according to the true intent and meaning of an Act of the Legislature of this Province, intitled, *An Act to provide for the Inspection of Hops*, and that I will not directly or indirectly, by myself or by any other person or persons whomsoever, grow, produce, buy or sell any Hops on my own account, or upon the account of any other person or persons whomsoever; nor will I be or remain in the employment or service of any person or persons who may be engaged in the growth of Hops, or consumption of Hops, during the time I shall continue such Inspector. So help me God ;"

Fees for recording oath, &c.

Which oath shall be recorded in the office of the Clerk of the City where the same shall be taken: And for recording such oath, and for a certificate thereof, the Clerk shall be entitled to demand and have the sum of two shillings and six pence, and no more; and shall give communication of the original to any person who shall apply for the same, on payment of one shilling currency for such communication, and two shillings and six pence currency for each copy.

Inspector to have proper building for storage of Hops.

5. In any place where there shall be an Inspector of Hops, it shall be the duty of such Inspector to provide himself with suitable and convenient premises for the storage and inspection of Hops, and to keep all bales and packages of Hops delivered to him for inspection, whilst they remain in his possession, in some dry place, safe from the injuries of the weather or of floods, and under a tight roof, and if in sheds, the same shall be good and sufficient and enclosed on every side, and the packages shall be so deposited that no moisture shall be imparted to them from the earth; and for the time which they may

may be in his possession previous to the inspection thereof, and for twenty-four hours after such inspection, the said Inspector shall be entitled to make no charge for storage, but all trouble and expense attendant upon the loading, unloading and moving the said Hops shall be at the cost of the person at whose request the said Hops shall be inspected.

Owner to pay cost of moving them, &c.

6. It shall be the duty of every such Inspector to receive into his premises provided as aforesaid for such purpose, all Hops presented to him for inspection, and to examine and inspect the same by thoroughly cutting into and examining each bale and package, and he shall classify and assort the same into three different grades or classes according to their different qualities and conditions, to be denominated, Number One; Merchantable; Number Two.

Examination and classification of Hops.

Number One Hops shall comprise all those which are of the first quality in respect to picking, curing, packing, strength, color, flavor and all other properties which combined would constitute a superior article for sale or use in Canada;

Number One Hops.

Merchantable Hops shall comprise all those which are good, sound and saleable, and in which no material defect or injury exists to the depreciation of their value for use, and which shall fully possess all the essential properties which render Hops valuable for use, but in a degree inferior to those classified as Number One hops;

Merchantable Hops.

Number Two Hops shall comprise the remainder of those which may be fit and valuable for use, but which from some defects or injuries or improper picking, curing or package, may be unworthy to be classified as Merchantable Hops.

Number Two Hops.

And the said Inspector shall mark in plain letters and figures on each and every bale and package of Hops by him inspected, containing Hops corresponding to the quality hereinabove described as Number One Hops, the characters, "No. 1;" of the quality hereinabove described as Merchantable, the word "Merchantable," and of the quality hereinabove described as Number Two Hops, the characters, "No. 2," with his own name and that of the place where the said Hops are inspected, and the year when such inspection is made, together with the weight of each bale or package; he shall also mark upon each bale or package which shall seem to him to be unsaleable or unfit for use, the word "Unmerchantable," and he shall also make and deliver a separate weigh note or bill of each quality of Hops whenever he shall be required so to do by the owner thereof or his agent.

How inspected Hops shall be marked.

Weigh note, &c.

7. If from any particular defect in the quality or condition of Hops, or from unskilful picking, curing, packing or other particular circumstance, the Inspector shall place the mark of

Case of particular defect in Hops otherwise good.

an inferior grade upon Hops which would be otherwise of a superior grade, he shall make an entry to that effect, and stating the particular fault upon his book, to be kept as hereinafter provided, and shall make a memorandum to the same effect upon the weigh note or bill of inspection which he shall deliver to the person entitled to the same.

Book to be kept by Inspector.

8. Each Inspector under this Act, shall keep a book, in which shall be regularly entered the number of each bale or package by him inspected, with its weight and quality, and the name of the owner of the same or person presenting it for inspection; and the first bale or package which shall be presented for inspection, being the growth of the year in which it is so inspected, shall take the number one, and each bale or package which shall be subsequently inspected shall take a number corresponding to the order of inspection, the numbers being continuous until Hops being the growth of the next ensuing year shall be presented for inspection; and the said Inspector shall also mark upon each bale or package inspected the number corresponding to the entry in his book.

Bales, &c., to be entered by numbers in order.

Charges and liability of Inspector.

9. For all the services to be performed as aforesaid, each Inspector shall be entitled to charge to the owner of the said Hops, or to the person presenting the said Hops for inspection, the sum of two shillings and six pence for every hundred pounds weight inspected, and he shall be entitled to charge a reasonable sum for storage of the same for the actual time they may be left in his possession after the first twenty-four hours from the time of such inspection, and he shall not be entitled to make any further charges for any services performed under this Act; but the said Inspector shall not be liable for losses by fire or other accidents which he could not have reasonably foreseen and prevented.

Inspectors may appoint Assistants.

10. Each Inspector of Hops may appoint and remove from time to time some skilful person to act as his Assistant in case of the absence, sickness or other incapacity of such Inspector, which Assistant shall, on being required so to do, perform the several duties and acts hereinbefore assigned to the said Inspector, except that he shall mark his own name and the name of his office, "Assistant Inspector," upon every bale and package by him inspected, and for the performance of such services he shall receive such remuneration as may be agreed upon between himself and the said Inspector of Hops.

His remuneration.

Inspector and his sureties to be responsible for Assistants, who shall be sworn.

11. The Inspector of Hops and his said sureties shall be responsible for the acts of his Assistant done under this Act, in the same manner and to the same extent that he would have been responsible had they been done and performed by himself; And each such Assistant, before he shall act as such, shall take and subscribe the following oath, before the Mayor of the city in which he shall be appointed, who is hereby required and authorized to administer the same:

"I, A. B., do swear that I will diligently, faithfully and The oath.
 "impartially execute the office of Assistant of the Inspector of
 "Hops, for the city of _____, according to the true intent
 "and meaning of an Act of the Legislature of this Province,
 "intituled, *An Act to provide for the inspection of Hops*, and
 "that I will not directly or indirectly, personally or by means
 "of any person or persons in my behalf, receive any fee,
 "reward or gratuity whatever by reason of my office of Assistant
 "to the said Inspector (except my salary from the said Inspec-
 "tor), and that I will not directly or indirectly, trade in Hops,
 "or be in any manner concerned in the purchase or sale of the
 "same, nor will I be or remain in the employment or service
 "of any person or persons who may be engaged in the growth,
 "traffic or consumption of Hops during the time I shall con-
 "tinue such Assistant Inspector. So help me God."

12. Any Inspector who shall, or whose Assistant shall, Punishment
of Inspectors,
&c., for offen-
ces against
this Act.
 during his and their continuance in office, directly or indirectly
 be concerned in the buying or selling of any Hops, or partici-
 pate in any transaction or profit arising therefrom (farther than
 the fees or emoluments granted by this Act), or shall date any
 weigh note or bill of inspection differently from the time when
 the Hops were actually inspected, or shall issue the same
 without any date, or who shall not conform to the provisions of
 this Act, shall, for every such offence, incur a forfeiture or
 penalty not exceeding fifty pounds currency, and be for ever
 thereafter disqualified and disabled from holding or exercising
 the duty or office of Inspector of Hops; and every Inspector or
 Assistant Inspector, or clerk or other person, who shall make or
 cause to be made any fraudulent bill of Hops, shall be guilty of
 felony, and shall, upon conviction thereof, be confined at hard
 labor in the Provincial Penitentiary for any term not exceeding
 seven years. Penalty.

13. If any Inspector, or his Assistant not then employed in Certain offen-
ces to be fe-
lony.
 the Inspection of Hops, shall, on application on lawful days
 between sun-rise and sun-set to him made, refuse to receive
 any Hops, or shall neglect or delay to proceed in such ex-
 amination and inspection for the space of three hours after such
 application so made to him, the said Inspector or his Assistant
 so in default, shall, for each such offence, forfeit the sum of
 five pounds current money, to the use of the person or persons
 so delayed. Penalty for
refusing to
inspect, &c.

14. If any person counterfeits any of the aforesaid brand Penalty for
counterfeiting
Inspector's
marks, &c.
 marks or other marks of any Inspection of Hops,—or, without
 the consent of such Inspector, impresses or brands the same, or
 any other mark purporting to be the mark of any such Inspec-
 tor, on any package containing Hops, either with the proper
 marking tools of such Inspector, or with any counterfeit thereof;
 or empties any package of Hops branded or marked by any
 such Inspector, in order to put therein Hops for sale or
 exportation,

exportation, without first cutting out or obliterating any previous brand marks thereon, or fraudulently packs therein any other Hops or thing than the Hops contained therein when such mark was impressed,—or if any person in the employ of any such Inspector hires or lends out the marking tools of such Inspector to any person whatever, or connives at, or is privy to, any fraudulent evasion of this Act, such person committing any of the offences aforesaid, shall, for every such offence, incur a penalty of fifty pounds.

Disputes between owners of Hops and Inspectors, how to be settled.

15. If any dispute shall arise between any Inspector or Assistant Inspector and the proprietor or possessor of any Hops, with regard to the quality thereof, then, upon application to any of Her Majesty's Justices of the Peace for the district in which such Inspector or his Assistant shall act, the said Justice shall issue his Summons to three persons of skill and integrity, one whereof to be named by the Inspector or his Assistant, another by the proprietor or possessor of the Hops, and the third by the Justice of the Peace, requiring the said three persons to examine and inspect the same, according to the provisions of this Act, and report their opinion of the quality and condition thereof under oath (which oath the said Justice of the Peace is hereby required and authorized to administer,) and their determination, or that of the majority of them, shall be final and conclusive, whether approving or disapproving the judgment of the Inspector or his Assistant, who shall immediately attend thereto, and mark, or cause to be marked, each and every bale and package of the qualities directed by such determination, according to the provisions of this Act; and if the opinion of the Inspector or his Assistant be thereby confirmed, the reasonable costs and charges of such re-examination, to be ascertained and awarded by the said Justice, shall be paid by the proprietor or possessor of the Hops, if otherwise, by the Inspector.

Costs.

Inspection not to be compulsory.

16. Nothing herein contained shall be construed to prevent any person from purchasing or selling Hops without inspection, but the inspection had in conformity with the provisions of this Act, shall be decisive as to the quality and condition of the Hops so inspected.

Recovery of penalties.

17. Every penalty and forfeiture imposed by this Act shall be recoverable by any Inspector or Assistant Inspector of Hops, or any other person suing for the same, in any Court having civil jurisdiction to the amount; and if such penalty does not exceed ten pounds, the proceedings shall be summary; and such penalty or forfeiture shall, on failure of payment, be levied by execution as in the case of debt; And one moiety of every such penalty and forfeiture, when recovered, shall (except when herein otherwise provided) be immediately paid into the hands of the Treasurer of the Corporation of the City wherein the action or prosecution is brought, for the public uses of the said City, and the other moiety shall belong to the person suing for the

Application of penalties.

the same, unless the action be brought by an officer of such Corporation, in which case the whole shall belong to the Corporation for the said uses.

18. No suit or prosecution for any pecuniary penalty incurred under this Act, for any offence against its provisions, shall be commenced after the expiration of two years after the commission of the offence. Limitation of prosecution.

C A P . L X X X V I I I .

An Act to amend "The Prison Inspection Act, 1857."

[Assented to 16th August, 1858.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. The seventh section of the Act passed in the twentieth year of Her Majesty's Reign, intituled, *An Act for establishing Prisons for young offenders, for the better government of Public Asylums, Hospitals and Prisons, and for the better construction of Common Gaols*, is hereby repealed. Section 7 of 20 V. c. 28, repealed.

2. The following section shall be substituted for the repealed seventh section of the said Act, and shall be read as part of the said Act : "It shall be lawful for the Governor, at any time, in his discretion, to cause any convict in the Provincial Penitentiary whose age may appear to the Inspectors not to exceed the age of twenty-one years, to be transferred to either of the Reformatory Prisons of this Province, for the remainder of the term of imprisonment for which such convict had been sentenced." New section substituted. Governor may cause any convict not over 21 to be removed to a Reformatory Prison.

C A P . L X X X I X .

An Act to encourage, and to provide for the extension of the practice of Vaccination.

[Assented to 16th August, 1858.]

WHEREAS it is expedient to encourage, and to provide for the extension of the practice of Vaccination in this Province : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. It shall be the duty of the Trustees, Governors, Directors, or other officers or persons having at any time the control and management of any Hospital or Dispensary now or hereafter receiving A supply of vaccine matter for certain

purposes to be kept in every Hospital, &c., receiving aid; receiving aid from the Public Funds of this Province, to keep at all times in such Hospital or Dispensary an adequate supply of vaccine matter for the following purposes, viz :

And for what purposes.

First.—For the vaccination by a legally qualified Medical Practitioner attached to such Hospital or Dispensary, at the expense of the same of all poor persons, and at their own expense of all other persons, who may attend at such Hospital or Dispensary for that purpose, during one day in every week ; the fee to be charged for such vaccination not in any case to exceed fifty cents, and to be used and applied for the benefit of the Hospital or Dispensary ;

Second.—For the purpose of furnishing, on application, to each and every legally qualified Medical Practitioner, such reasonable quantities of said matter as he may from time to time require ;

Third.—For the purpose of furnishing, on application, to the Superintendent General of Indian Affairs, or his Assistant, or to any Visiting Superintendent of Indian Affairs, such reasonable quantities of said matter as he may from time to time require for the use and benefit of any settlement of Indians.

Conditions on which only warrants for amounts of grants to Hospitals, &c., shall issue.

2. No warrant shall hereafter issue for the payment of any sum of money granted by the Legislature to any Hospital or Dispensary, unless nor until a certificate, signed by a Medical Officer of such Hospital or Dispensary, to the effect that there is actually on hand in such Hospital or Dispensary a supply of vaccine matter which is expected to be sufficient for the purposes aforesaid from the date of such certificate, or setting forth reasons and grounds in explanation of any deficiency in such supply to the satisfaction of His Excellency the Governor General in Council, shall have been filed in the office of the Clerk of the Executive Council ; and from and after the first day of January next, no such Warrant shall issue unless nor until a certificate, signed as aforesaid, to the effect aforesaid, and further to the effect that at no time since the date of the then last certificate in this behalf has the demand upon such Hospital or Dispensary for such matter for the purposes aforesaid exceeded the supply thereof on hand in such Hospital or Dispensary, or setting forth reasons and grounds in explanation of any deficiency of such supply to the satisfaction of His Excellency the Governor General in Council, shall have been filed as aforesaid.

And after 1st January, 1859.

Annual statement to be made by trustees of Hospitals, &c.

3. The Trustees, Governors, Directors, or other Officers or persons having for the time being the control and management of any Hospital or Dispensary to which aid may be granted during the present Session, or any future Session of the Parliament of this Province, shall cause to be transmitted to the Governor General, through the Provincial Secretary, in time to admit

admit of copies thereof being laid before the two Houses of Parliament of this Province, during the first fifteen days of the then next Session, a statement certified by the proper Officers of such Hospital or Dispensary, shewing the number of persons who have applied for and received free vaccination, the number of persons who have applied for and received vaccination at their own expense, and the number, amount and application of fees charged and received for vaccination.

4. This Act shall take effect on and from the first day of October next. Commence-
of Act.

C A P . X C .

An Act to amend the Act to provide for the formation of Joint Stock Companies for Manufacturing, Mining, Mechanical or Chemical purposes.

[Assented to 16th August, 1858.]

WHEREAS it is expedient to extend the provisions of the Act passed in the Session of Parliament held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to provide for the formation of Incorporated Joint Stock Companies for Manufacturing, Mining, Mechanical or Chemical purposes*, and of the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to amend the Act for the formation of Incorporated Joint Stock Companies for Manufacturing and other purposes*, with certain amendments, to the formation of Companies for the carrying on of Fisheries upon an extensive scale: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.
13 & 14 V. c.
28.
16 V. c. 172.

1. The said two Acts, and all and every the provisions thereof, save only in so far as is otherwise hereby provided, shall apply and have effect for all Companies which shall be formed as thereby provided, for the carrying on of any fishery or fisheries within the limits of this Province or in the Gulf of the St. Lawrence, and for the building and equipping of any vessels required for such fishery or fisheries, and having a capital stock of not less than forty thousand dollars.

The said Acts
extended to
certain Fish-
ing Compa-
nies.

2. Notwithstanding any thing in the said Acts contained, the Stockholders of any such Fishery Company, whether they shall have paid in the amount of their respective shares of stock therein, or not, shall not be liable for any debts or contracts made by such Company, beyond the amount of their respective shares of stock therein, unless it be by reason of any infraction of the rules laid down by the proviso to the eleventh section of the

Stockholders
in a certain
Company not
liable beyond
the amount of
their shares,
except in cer-
tain cases
only.
the

the first above recited of the said two Acts, or for any debt falling within the class of debts protected by the seventeenth section of the same Act, or as being officers or trustees of such Company.

But liable for amount subscribed until paid up, notwithstanding transfer of shares.

3. Every such Stockholder shall, however, be and remain liable for all debts and contracts of such Company to the full amount of his share or shares of stock therein, until the same shall have been fully paid in, notwithstanding any transfer which he may make thereof to any other party.

C A P. X C I.

An Act to provide for the Registration of Debentures issued by Municipal and other Corporate Bodies.

[Assented to 16th August, 1858.]

Preamble.

WHEREAS it would tend greatly to the increased value of Debentures issued under the authority of By-laws of Municipal and other Corporate Bodies passed for the purpose of raising Moneys, and also to the better security of the holders of the same, that a system of Registration should be adopted, and a priority of lien in respect thereof given under certain conditions: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certified copies of all By-laws heretofore passed by Municipal and Corporate Bodies, under which Debentures have been issued, to be transmitted to the proper Registrar within three months after the passing of this Act, together with a Return as in Schedule A.

1. It shall be the duty of the Clerk or Secretary-Treasurer or person acting as such, of every Municipal or Provisional Municipal Corporation, and of the Clerk or Secretary, or person acting as such, of any other Corporate Body, within the period of three months after the passing of this Act, to transmit to the Registrar of the County or Registration Division in which such Municipal Corporation or other Corporate Body or its principal office is situated, a copy duly certified as hereinafter provided, of each and every By-law of such Municipal or Provisional Municipal Corporation, or other Corporate Body heretofore passed under or by authority of which respectively any sum or sums of money may have been raised by the issue of Debentures, together with a Return in the form specified in the Schedule hereunto annexed, marked A, shewing the title or objects of each such By-law, the number of Debentures issued and the amounts thereof respectively, the amounts raised under the said By-laws respectively, the amounts already heretofore paid or redeemed by the said Corporation on the account of the same, the balance still remaining outstanding and payable thereunder respectively, the dates at which the same respectively fall due, and the amount of yearly rate to pay off the same, and the assessed value of the real and personal estate of the Municipality (or Company), and to cause the said Return to be published three times in both languages in the *Canada Gazette*,

Gazette, and also three times in some newspaper published in such County, or if there be no newspaper, then in some newspaper in the County nearest thereto in which there is a newspaper.

2. From and after the passing of this Act, it shall be the duty of the Clerk or Secretary-Treasurer or person acting as such of every Municipal, or Provisional Municipal Corporation, or of the Clerk or Secretary, or person acting as such of any other Corporate Body, within two weeks after the final passing of any By-law hereafter to be made and passed by such Corporation for the purpose of raising money by the issue of Debentures, and before the sale or contract for sale of any such Debentures issued or intended to be issued thereunder, to transmit to the Registrar of the County or Registration Division in which such Municipal Corporation or other Corporate Body, or its principal office is situated, a copy duly certified, as hereinafter provided, of each and every By-law hereafter to be made and passed as aforesaid by such Municipal or Provisional Municipal Corporation, or other Corporate Body together with a Return in the form specified in the Schedule B hereunto annexed, shewing the title or objects of each such By-law, the amounts to be raised thereunder, the number of Debentures to be issued thereunder, the amounts thereof respectively, the dates at which the same respectively fall due, the assessed value of the real and personal estate belonging to such Corporation or Company,—the assessed value of the real and personal estate of the Municipality, and the amount of yearly rate in the Pound to liquidate the same, and to cause said Return to be published three times in both languages in the *Canada Gazette*, and also three times in some newspaper published in such County, or if there be no newspaper, then in some newspaper in the County nearest thereto in which there is a newspaper.

Certified copies of all By-laws under which Debentures are intended to be issued, to be transmitted to the proper Registrar within two weeks after the final passing of such By-laws, together with a Return, as in Schedule B.

3. The Registrar of the County or Registration Division in which such Municipal Corporation or other Corporate Body or its principal office is situated, shall receive and file in his office the several By-laws required to be transmitted to him as hereinbefore provided, and shall cause to be entered in a Book provided for that purpose, true and correct copies of the Returns hereinbefore required by the first and second sections of this Act.

Registrar to file such By-laws, and to keep Books with copies of the Returns required by sections 1, 2.

4. The Registrar of each County or Registration Division, as aforesaid, shall provide a Book of Registration, wherein he shall, at the request of the original holder or holders, or any subsequent transferee or transferees thereof respectively, from time to time, cause to be entered and registered the name of such original holder or holders, or of such subsequent transferee or transferees, and such holder or last registered transferee in such Book of Registration shall be deemed *prima facie* the legal owner and possessor thereof.

If requested, the Registrar may register the name of such holder of any debenture, and registration to be *prima facie* evidence.

Mode in which By-laws shall be certified.

5. All By-laws mentioned in the first section of this Act shall be certified and authenticated in the case of a Municipal or Provisional Municipal Corporation by the Seal of the Corporation, and by the Head, and by the Clerk or Secretary-Treasurer thereof respectively, being such at the time of the date of such certificate and authentication; and all By-laws mentioned in the second section of this Act shall be certified and authenticated by the Seal of the Corporation, and by the signature of the Head thereof, or of the person presiding at the Meeting at which the original By-law shall have been made and passed, and also by that of the Clerk or Secretary of such Corporation; and all By-laws of other Corporate Bodies shall be attested and authenticated by the Seal of such Corporate Body and by the signature of the Head thereof.

By-laws, returns and books of entry in Registry Office, to be open to inspection.

6. The certified copies of all By-laws hereinbefore referred to and transmitted as aforesaid, and also the Returns in the first and second sections mentioned, and the Book or Books of entry of such Returns and of Registration, shall be open to public inspection and examination, and access had thereto at all seasonable times and hours upon payment of certain fees as hereinafter provided.

Fees to be payable under this Act.

7. The following fees shall be paid to Registrars under this Act:

For registration of each certified copy of By-laws, the sum of - - - - -	£0	10	0
For registration of any Returns as prescribed in Schedules A and B, for each such Return, the sum of - - - - -	0	5	0
For registration of the name of holder or transferee, of any number of Debentures not exceeding five, the sum of - - - - -	0	1	3
Over five and not exceeding fifteen, the sum of - - - - -	0	2	6
Over fifteen and not exceeding thirty, the sum of - - - - -	0	3	9
Upwards of thirty, the sum of - - - - -	0	5	0
For making search, inspecting each copy of By-law, and examining entries connected therewith - - - - -	0	5	0

Meaning of term "final passing," as to By-laws to be submitted to the Governor.

8. In all such cases as require the submission of any By-law or By-laws to the Governor General of this Province for his sanction, such sanction must first be obtained to bring the same within the meaning of the words "final passing thereof" in the second section of this Act.

Act not to extend to Railway Companies or Ecclesiastical Corporations, &c.

9. This Act shall not extend to the By-laws, or Debentures thereunder, of any Railway Company or any Ecclesiastical Corporation heretofore incorporated or hereafter to be incorporated, or the Debentures issued by any Religious Denomination in its Corporate capacity, either in Upper or Lower Canada.

10. Any person neglecting to perform, within the proper period, any duty devolving upon him in virtue of the first or second sections of this Act, shall be guilty of a misdemeanour, and on conviction thereof shall be punishable by imprisonment for a period of not less than three nor more than twelve months.

Negligence of
duty, misde-
meanor.

11. This Act shall be cited as "The Debentures Registration Act."

Short Title of
this Act.

SCHEDULE A.

RETURN as required by the Act intituled, *An Act to provide for the Registration of Debentures issued by Municipal and other Corporate Bodies*, of Debentures issued by the [Corporate name.]

1	2	3	4	5	6	7
Title or Objects of each By-Law.	Number of Debentures issued and Amounts.	Amount raised under each By-law.	Amount paid or Re-deemed on account of said Debentures.	Balance still remaining outstanding and payable on said Debentures.	Dates at which Debentures fall due, and Amount of yearly rate to pay off same.	Assessed value of Real and Personal Estate of the Municipality (or Company.)
	Number.					
					Dates of Amount of Debentures yearly falling rate in the £	

, A. D. 18

, day of

, this

Dated at

SCHEDULE B.

RETURN as required by the Act intituled, *An Act to provide for the Registration of Debentures issued by Municipal and other Corporate Bodies, of Debentures issued by the [Corporate name.]*

1	2	3		4	5		6	7
Title or Objects of the By-law.	Amount to be raised.	Number of Debentures and Amounts.		Dates when Payable	Assessed value of Real and Personal Estate belonging to such Corporation (or such Company.)		Assessed value of the real and personal Estate of the Municipality of (Town, Township, County, City or Village, as the case may be.)	Amount of yearly rate in the £ to li- quidate same.
		Number.	Amounts.		Real.	Personal.	Real.	Personal.

C A F. Dated at _____, this _____ day of _____, A. D. 18 _____.

C A P. X C I I .

An Act further to amend the Law in Upper Canada respecting the Court of Error and Appeal.

[Assented to 16th August, 1858.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Section 36 of 20 V. c. 5, repealed.

1. The thirty-sixth section of the Act passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to amend the Laws in Upper Canada, respecting Appeals, and to alter the Constitution of the Court of Error and Appeal*, is hereby repealed.

C A P. X C I I I .

An Act to amend the Law in relation to the jurisdiction and procedure of the several Surrogate Courts in Upper Canada, and to simplify and expedite the proceedings in such Courts.

[Assented to 16th August, 1858.]

Preamble.

WHEREAS it is expedient that all jurisdiction in relation to the grant and revocation of Probate of Wills and Letters of Administration should belong to and be exercised by the several Surrogate Courts in Upper Canada, and that the law in relation to such Surrogate Courts should be amended and the proceedings therein be simplified and expedited: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Court of Probate abolished and testamentary jurisdiction to be exercised by the Surrogate Courts.

1. The Court of Probate for Upper Canada is hereby abolished; and all jurisdiction and authority voluntary and contentious in relation to matters and causes testamentary, and in relation to the granting or revoking Probate of wills and letters of administration of the effects of deceased persons having estate or effects in Upper Canada, and all matters arising out of or connected with the grant or revocation of Probate or Administration, shall be exercised in the name of Her Majesty, in the several Surrogate Courts in Upper Canada, and each Surrogate Court shall hold its Sittings in the County Town of each respective County.

Sittings of Courts.

A Surrogate Court established in each County with Judge and Registrar, &c.

2. In and for each County in Upper Canada there shall be a Court of Law and Record to be called "The Surrogate Court" of each respective County, over each of which Courts one Judge shall preside; and there shall also be a Registrar, and such Officers

Officers as may be necessary for the exercise of the jurisdiction to the said Courts belonging.

3. Every Judge of the said Surrogate Courts appointed after this Act comes in force, shall, before executing the duties of his office, take the following oath before some one authorized by law to administer the same :

Judges and Registrars to take oath of office.

“ I, _____, do solemnly and sincerely promise and swear, that I will duly and faithfully, and according to the best of my skill and power, execute the office of Judge of the Surrogate Court of the (County or United Counties, as the case may be) of _____ . So help me God.”

Form of Judge's oath.

And every Registrar of the said Surrogate Courts shall, before he shall be entitled or qualified to act as Registrar under this Act, take the following Oath before the Judge of the Court, or some other person authorized by law to administer the same :

“ I, _____, do solemnly and sincerely promise and swear that I will diligently and faithfully execute the office of Registrar of the Surrogate Court of the (County or United Counties, as the case may be,) of _____, and that I will not knowingly permit or suffer any alteration, obliteration or destruction to be made or done by myself or others on any Wills or testamentary papers, or other documents or papers committed to my charge. So help me God.”

Form of Registrar's oath.

4. The said Surrogate Courts respectively shall have full power, jurisdiction and authority to issue process and hold cognizance of all matters relative to the granting of Probates, and committing letters of administration, and to grant Probate of Wills and commit letters of administration of the goods of persons dying intestate, having estate, goods, rights or credits in Upper Canada, and to revoke such Probate of Wills and letters of administration : and the said Surrogate Courts, respectively shall have jurisdiction and authority to hear and determine all questions, causes and suits in relation to the matters aforesaid, and to all matters and causes testamentary ; and such Courts respectively shall also have the same powers (subject to the provisions herein contained,) and its grants and orders shall have the same effect throughout all Upper Canada, and in relation to the personal estate of deceased persons, as the Court of Probate for Upper Canada, and its grants and orders respectively now have in relation to those matters and causes testamentary now within its jurisdiction, and those effects of deceased persons dying possessed of goods and chattels over five pounds in value, in two or more Counties in Upper Canada, and all duties which by Statute or otherwise are imposed on or should be exercised by the said Court of Probate, or the Judge thereof in respect of Probates, Administrations and matters and causes testamentary, and the appointment of Guardians and

Powers and jurisdiction of Surrogate Courts.

To have the same powers as the present Court of Probate in certain matters,

Exception.

otherwise, shall and may be performed by the said several Surrogate Courts and the Judges thereof, within their respective jurisdictions; Provided that no suits for legacies, or suits for the distribution of residues shall be entertained by any of the said Surrogate Courts.

Terms or times of sitting prescribed.

5. In order that certain stated times may be fixed for hearing and determining matters and causes in contentious cases and business of a contentious nature in the said Surrogate Courts respectively, there shall be four Terms or times of Sitting in each year for the purposes aforesaid, which shall severally commence on the First Monday in the months of January, April, July and October, and end on the Saturday of the same week; and the Judges of the several Courts may appoint one or more days for the giving of Judgment after Term in the same way as is provided by law in respect to County Courts.

Giving judgment after term.

To what particular Courts the grant of Probate or Administration shall be long; and effect of Probate and Administration.

6. The grant of probate or letters of administration shall belong to the Surrogate Court for the County in which the testator or intestate had at the time of his death his fixed place of abode: And if the testator or intestate had no fixed place of abode in or resided out of Upper Canada at the time of his death, such grant may be made by the Surrogate Court for any County in which the testator or intestate had personal or real estate at the time of his death; and probate or letters of administration by whatever Court granted shall, unless revoked, have effect over the personal estate of the deceased in all parts of Upper Canada.

Courts to have seals; and exemplifications and copies under such seal to be received in evidence.

7. Each of the said Surrogate Courts shall be provided with a suitable seal to be approved of by the Governor, and the Judges of the said Courts may respectively cause the same from time to time, with the approval of the Governor, to be broken, altered or renewed; and all Probates, Letters of administration, grants, orders, Letters of guardianship and other instruments and exemplifications, and copies thereof respectively, purporting to be sealed with the seal of any Surrogate Court shall in all Courts and in all parts of Canada, be received in evidence without further proof thereof.

Power to require attendance of parties or witnesses, and to examine them.

8. The said Surrogate Courts respectively may require the attendance of any party in person or of any person whom it may think fit to examine or cause to be examined in any suit or other proceeding in respect of matters or causes testamentary, and may examine or cause to be examined upon oath or affirmation, as the case may require, parties and witnesses by word of mouth, and may either before or after, or with or without such examination, cause them or any of them to be examined on interrogatories, or receive their or any of their affidavits or solemn affirmations, as the case may be; And each of the said Courts may, by writ of subpoena or subpoena *duces tecum* (as the case may be), require such attendance and order

As to production of Deeds and Instruments, &c.

to

to be produced before itself or otherwise any Deeds, evidences or writings.

9. Every Surrogate Court shall have the like powers, jurisdiction and authority for enforcing the attendance of persons required by it as aforesaid, and for punishing persons failing, neglecting or refusing to produce deeds, evidences or writings, or refusing to appear or be sworn or make affirmation or to give evidence, or guilty of contempt, and generally for enforcing all orders, decrees and judgments made or given by the Court under this Act, or under any other Acts giving jurisdiction to Surrogate Courts and otherwise in relation to the matters to be enquired into and done by or under the orders made under this Act, as are by law vested in the said County Courts, as Courts of law and as Courts having equitable jurisdiction, for such purposes in relation to any suit or matter depending in such Courts.

Powers of Courts to enforce their orders and decrees, to be similar to those vested in County Courts for like purposes.

10. Every Surrogate Court may, on motion or petition or otherwise in a summary way, whether any suit or other proceeding shall or shall not be pending in the Court with respect to any probate or administration, order any person to produce and bring before the Registrar of the Court or otherwise, as the Court may direct, any paper or writing being or purporting to be testamentary, which may be shown to be in the possession or under the control of such person: and if it be not shown that any such paper or writing is in the possession or under the control of such person, but it shall appear that there are reasonable grounds for believing that he has knowledge of any such paper or writing, the Court may direct such person to attend for the purpose of being examined before the Registrar or in open Court or upon interrogatories respecting the same, and such person shall be bound to answer such questions or interrogatories, and if so ordered, to produce and bring in such paper or writing, and shall be subject to the like process of contempt in case of default in not attending or in not answering such questions or interrogatories, or not bringing in such paper or writing as he would have been subject to in case he had been a party to a suit in the Court, and had made such default; and the costs of any such motion, petition or other proceeding, shall be in the discretion of the Court.

Orders and proceedings in respect to the production of Instruments purporting to be testamentary.

Examination of persons touching such Instruments.

11. The Judges and Registrars of the said Surrogate Courts respectively, shall have full power to administer oaths in matters and causes testamentary and in all other matters in any of the said Courts; and Commissioners for taking affidavits in either of the Superior Courts of Common Law in Upper Canada, shall also have full power respectively to administer oaths in all matters and causes testamentary and in all other matters in the said Courts to parties desirous of making affidavit or deposition before them respectively. Any person who shall wilfully give false evidence, or who shall wilfully swear or

Judges, Registrars and Commissioners in Q. B. and C. P., to have power to administer oaths.

affirm

False swearing to be perjury.

affirm falsely in any affidavit or deposition before any of the said Surrogate Courts, or before any Judge or Registrar thereof, or before any Commissioner as aforesaid, shall be liable to the penalties and consequences of wilful and corrupt perjury.

Penalty for forging or counterfeiting seal or signature of officers, or tendering same in evidence.

12. If any person forges the signature of any Judge or Registrar of a Surrogate Court, or of any Commissioner for taking affidavits as aforesaid, or forges or counterfeits any Seal of a Surrogate Court, or knowingly uses or concurs in using any such forged or counterfeit signature or seal, or tenders in evidence any document with a false or counterfeit signature of such Judge, Registrar or Commissioner, or with a false or counterfeit seal, knowing the same signature or seal to be false or counterfeit, such person shall be guilty of felony and liable to be imprisoned in the Provincial Penitentiary for any term not exceeding seven years.

Practice of the Courts, general rule as to.

13. The Practice of the said several Surrogate Courts shall, except where otherwise provided by this Act or by the Rules or Orders to be from time to time made under this Act, be, so far as the circumstances of the case will admit, according to the Practice in Her Majesty's Court of Probate in England.

Rules and orders to be made for regulating the procedure of the Courts, and by whom.

14. And to the intent and end that the Procedure and Practice of the said several Surrogate Courts may be of the most simple and expeditious character, it shall be lawful for the Governor at any time after the passing of this Act, to appoint one of the Judges of the Superior Courts of Common Law at Toronto, one of the Judges of the Court of Chancery, and one County Court Judge in Upper Canada, to frame General Rules and Orders in relation to the provisions of this Act, and the said Judges or any two of them are authorized and empowered to make Rules and Orders to take effect when this Act shall come into operation for regulating the Procedure and Practice of the said Surrogate Courts and in relation to their jurisdiction and proceedings under this Act,—and for regulating the duties of the Surrogate Clerk,—the duties of the several Surrogate Court Registrars and other officers of such Courts,—and for determining what shall be deemed contentious and what non contentious business, and (subject to the express provisions of this Act) for regulating the manner of appealing from the decisions of the said Surrogate Courts, and generally for carrying the provisions of this Act into full and beneficial effect; and after this Act shall come into force, it shall be lawful for the said Judges, or any two of them, from time to time, to repeal, amend, add to or alter any such Rules and Orders as to them shall seem fit.

Amendment of such rules.

Mode of taking evidence in contentious matters.

15. Subject to the regulations to be established by such Rules and Orders as aforesaid, the witnesses, and where necessary, the parties in all contentious matters where their attendance can be had, shall be examined orally by or before the Judge

Judge of the Surrogate Court in open Court; Provided always that, subject to any such regulations as aforesaid, the parties shall be at liberty to verify their respective cases by affidavit, but so that the deponent in every such affidavit shall, on the application of the opposite party, be subject to be cross-examined by or on behalf of such opposite party orally in open Court as aforesaid; and after such cross-examination, may be re-examined orally in open Court as aforesaid by or on behalf of the party by whom such affidavit was filed.

Proviso: as to the use of affidavits.

Subject to *vide* voce examination.

16. Provided that where a witness in any such matter is without the limits of Upper Canada, or where by reason of his illness or otherwise the Court shall not think fit to enforce the attendance of the witness in open Court, it shall be lawful for any of the said Surrogate Courts to order a Commission to issue for the examination of such witness on oath upon interrogatories or otherwise, or if the witness be within the jurisdiction of the Court to order the examination of such witness on oath upon interrogatories or otherwise before any person to be named in such order for the purpose, and all the powers given to the County Courts by the County Courts Amendment Act, 1857, for enabling the said Courts to issue Commissions and give orders for the examination of witnesses in actions depending in such Courts and to enforce such examination; and all the provisions of the County Courts Acts for enforcing or otherwise applicable to examinations, and the witnesses examined, shall extend and be applicable to the said several Surrogate Courts, and to the examinations of witnesses under the Commissions and Orders of the said Courts, and to the witnesses examined as if such Courts were County Courts, and the matter before them respectively were an action pending in a County Court.

Courts may issue commissions for the examination of witnesses, as in County Courts.

Provisions of certain acts to apply.

17. The Rules of evidence observed in the Superior Courts of Common Law at Toronto, shall be applicable to and observed in the trial of all questions of fact in the said several Surrogate Courts.

Rules of evidence in Common Law Courts, to be observed.

18. It shall be lawful for the said several Surrogate Courts to cause any question of fact arising in any proceeding under this Act, to be tried by a Jury, before the Judge of the Court; and upon order being made allowing a trial by Jury, such trial shall take place at some ensuing sittings of the County Court for the County, and be conducted in the same manner as other trials by Jury in the County Courts are conducted, and parties shall be entitled to their right of challenge, and for all purposes of or auxiliary to the trial of questions of fact by a Jury before the Judge of a Surrogate Court, and in respect of new trials thereof, the said Surrogate Courts respectively, shall have the same jurisdiction, power and authority in all respects as belong to the County Court, and the Judges thereof for like purposes.

Courts may cause questions of fact to be tried by a jury at a County Court sitting, and in like manner as in County Courts.

Question to be reduced to writing, jury to be sworn to try it, and Judges to have like authority on trial as County Court Judges.

19. When any such question shall be so ordered to be tried by a Jury before the Judge of a Surrogate Court, such question shall be reduced into writing in such form as the Court shall direct, and at the trial the Jury shall be sworn to try the said question, and a true verdict give thereon according to the evidence; and upon every such trial, the Judge of the Surrogate Court shall have the same powers, jurisdiction and authority as belong to the Judge of a County Court sitting for the trial of issues in fact.

Persons considering themselves aggrieved by any judgment, &c., may appeal to Chancery.

20. Any person considering himself aggrieved by any order, sentence, judgment or decree of any Surrogate Court, or who shall be dissatisfied with the determination of the Judge thereof in point of law in any matter or cause under this Act, may, within fifteen days next, after any such Order, Sentence, Judgment, Decree or Determination, appeal therefrom to the Court of Chancery, in such manner and subject to such regulations as may be provided for by the Rules and Orders to be made under this Act, and the said Court of Chancery is hereby authorized and required to hear and determine such Appeals: Provided always that no such Appeal shall be had or lie unless the value of the goods, chattels, rights or credits to be affected by such order, sentence, judgment, decree or determination, shall be more than fifty pounds.

Proviso: appeal not to lie in certain cases.

In cases of contention, the matter may, by consent, be referred for adjudication to one of the Superior Courts.

21. In every case in which there is contention as to the grant of Probate or Administration, and the parties in such case thereto agree, such contention shall be referred to and determined by any of Her Majesty's Superior Courts of Law or Equity at Toronto, on a case to be prepared, and the Surrogate Court having jurisdiction in such matter shall not grant Probate or Administration until such contention is terminated and disposed of by judgment, decree or otherwise.

In certain cases of contention, matter to be referred to Chancery.

22. Any cause or proceeding in the said Surrogate Courts in which any contention arises as to the grant of Probate or administration, or in which any disputed question shall be raised (as to law or facts), relating to matters and causes testamentary, shall be removable by any party to such cause or proceeding into the Court of Chancery by order of a Judge of the said Court to be obtained on a summary application supported by affidavit, of which reasonable notice shall be given to the other parties concerned; and the Judge making such order may impose such terms as to payment or security for costs or otherwise as to him shall seem fit: Provided that no cause or proceeding shall be so removed as aforesaid unless of such a nature and of such importance as to render it proper that the same should be withdrawn from the jurisdiction of the Surrogate Court and disposed of by the Court of Chancery, nor unless the personal estate of the deceased shall exceed Five hundred Pounds in value; and upon any cause or proceeding being so removed as aforesaid, the Court of Chancery shall

Provided certain cases not to be so removed.

Powers of the Court of Chan-

shall have full power to determine the same, and may cause any question of fact arising therein to be tried by a jury and otherwise deal with the same as with any cause or claim originally entered in the said Court of Chancery; and the final order or decree made by the said Court of Chancery in any cause or proceeding removed as aforesaid, shall be transmitted by the Surrogate Clerk to the Registrar of the Surrogate Court from which such cause or proceeding was removed for the guidance of the said Surrogate Court.

cery and transmission of final order to Surrogate Court.

23. There shall be a Clerk appointed to be called the Surrogate Clerk, who shall perform the duties required of the Surrogate Clerk by this Act, as well as the duties that by the Rules and Orders to be made under this Act may be required of such Surrogate Clerk, and also such other duties as shall be required of him by the Court of Chancery, and such Surrogate Clerk shall be deemed an officer of the said Court of Chancery, and be paid a fixed salary not exceeding one thousand six hundred dollars yearly, and the Governor shall from time to time appoint and at his pleasure remove such Clerk.

Surrogate Clerk to be appointed—his duties.

His salary.

24. On every application to a Surrogate Court for Probate of Will or Letters of Administration where the testator or intestate was resident in Upper Canada at the time of his death, the place of abode of such testator or intestate at the time of his death shall be made to appear by affidavit of the person or some one of the persons applying for the same; and thereupon and upon proof of the Will, or in case of intestacy, upon proof that the deceased died intestate, Probate of the Will or Letters of Administration, as the case may be, may be granted under the seal of the Surrogate Court to which such application has been so made; and such Probate or Letters of Administration shall have effect over the personal estate of the deceased in all parts of Upper Canada.

Upon affidavit that the testator, &c., resided in Upper Canada, Probate and Administration may be granted.

Its effect.

25. On every application for Probate of a Will or Letters of Administration where the testator or intestate had no fixed place of abode in or resided out of Upper Canada at the time of his death, the same shall be made to appear by affidavit of the person or some one of the persons applying for such Probate or Administration, and that the deceased died leaving personal or real property within the County in the Surrogate Court of which such application is made, and that notice of the application has been published at least three times successively in the *Canada Gazette*; and thereupon and upon proof of the Will, or in case of intestacy, upon proof that the deceased died intestate, Probate of the Will or Letters of Administration, as the case may be, may be granted under the Seal of the Surrogate Court to which application has been so made; and such Probate or Letters of Administration shall have effect over the personal estate of the deceased in all parts of Upper Canada.

Where testator, &c., had no fixed place of abode in or resided out of U. C., upon what proof Probate or Administration shall be granted, &c.

Its effect.

Affidavit grounding application for grant to be conclusive for exercise of jurisdiction, unless shewn to be incorrect.

Proviso : Judge may stay proceedings in case of incorrect statement.

Proof, &c., requisite for obtaining grant to party not next of kin to intestate.

Proviso : temporary administration in certain cases.

Security to be given.

As to transmission of notice of application for grants of Probate, &c., to Surrogate Clerk by Re-

26. The affidavit as to the place of abode and personal property of a testator or intestate under the previous sections; for the purpose of giving a particular Court jurisdiction, shall be conclusive for the purpose of authorizing the exercise of such jurisdiction; and no grant of Probate or Administration shall be liable to be recalled, revoked or otherwise impeached by reason that the testator or intestate had no fixed place of abode within the particular County at the time of his death, or had not personal or real estate therein at the time of his death; and every Probate and Administration granted by a Surrogate Court shall effectually discharge and protect all persons paying to or dealing with any executor or administrator thereunder, notwithstanding the want of or defect in such affidavit as is hereby required: Provided that the Judge of any Surrogate Court before whom any matter is pending under this Act may, if it be made to appear to him that the place of abode of the testator or intestate or the situation of his property has not been correctly stated in the affidavit, stay all further proceedings, making such order as to the costs of the proceedings before him as he may think just.

27. When application shall be made for Letters of Administration by any person not entitled to the same as next of kin to the deceased, the next of kin or others having or pretending interest in the personal estate of the deceased resident in Upper Canada, shall be cited or summoned to see the proceedings, and to shew cause, if any they have, why the Administration should not be granted to the person applying therefor; and if neither the next of kin nor any person of the kindred of the deceased happen to reside in Upper Canada, then a copy of such citation or summons shall be served or published in such manner as may be provided for by the rules and orders under this Act: Provided that if the next of kin, usually residing in Upper Canada and regularly entitled to administer, shall happen to be absent from Upper Canada, it shall be lawful for the Surrogate Court having jurisdiction in the matter, in its discretion, to grant a temporary Administration, and to appoint the applicant, or such other person as the Court shall think fit, to be Administrator of the personal estate of such deceased person for a limited time, or to be revoked upon the return of such nearest of kin as aforesaid; and the Administrator so appointed shall give such securities as the Court shall direct, and shall have all the rights and powers of a general Administrator, but shall be subject to the immediate control of the Court.

28. Notice of every application to any Surrogate Court for the grant of Probate or Administration shall be transmitted by the Registrar of the Court to the Surrogate Clerk in Chancery by the next post, by letter post paid, after such application shall have been made, and such notice shall specify the name and description or addition, if any, of the testator or intestate, the

the time of his death, and the place of his abode at his decease, as stated in the affidavit or affidavits made in support of such application, and the name of the person by whom the application has been made, and such other particulars as may be directed by rules or orders under this Act; and (unless upon special order or decree of such Surrogate Court) no Probate or Administration shall be granted in pursuance of such application until such Registrar shall have received a certificate, under the hand of the Surrogate Clerk, that no other application appears to have been made in respect of the goods of the same deceased person, which certificate the said Surrogate Clerk shall forward as soon as may be to such Registrar, and all notices in respect of applications in the several Surrogate Courts shall be filed and kept by the said Surrogate Clerk; and the Surrogate Clerk shall, with reference to every such notice, examine all notices of such applications which may have been received from the several other Surrogate Court Registrars, so far as it may appear necessary, to ascertain whether or no application for Probate or Administration in respect of the goods of the same deceased person may have been made in more than one Surrogate Court, and shall communicate with the Surrogate Court Registrars as occasion may require in relation to such applications; and in case it shall appear by the certificate of the Surrogate Clerk that application for Probate or Administration has been made to two or more Surrogate Courts, the Judges of such Courts respectively shall stay proceedings therein, leaving the parties to apply to one of the Judges of the said Court of Chancery to give such direction in the matter as to him may seem necessary; And on application made to any one of such Judges, he shall enquire into the matter in a summary way, and adjudge and determine what Surrogate Court has jurisdiction, and shall proceed in the matter; and such Judge of the Court of Chancery shall have power to order costs to be paid by any of the applicants (the order to be enforced by the Court of Chancery), and the determination of such Judge shall be final and conclusive. So soon as may be after such determination shall be made, the Surrogate Clerk shall transmit a certified copy thereof to the Registrars of the several Surrogate Courts wherein such applications as aforesaid shall have been made.

gistrars, and proceedings in respect to the same and to adverse applications.

Proceedings if application has been made to more than one Surrogate Court.

Decree as to what Court shall have jurisdiction.

To be transmitted to the proper Surrogate Courts.

29. Caveats against the grant of probate or administration may be lodged with the Surrogate Clerk or with the Registrar of any Surrogate Court, and subject to any rules or orders under this Act, the practice and procedure under such Caveats shall as near as may be correspond with the practice and procedure under Caveats now in use in Her Majesty's Court of Probate in England; and immediately on a Caveat being lodged in any Surrogate Court, the Registrar of such Court shall send a copy thereof to the Surrogate Clerk to be entered among the Caveats lodged with him, and upon notice of application by the Registrar of a Surrogate Court under the previous

As to caveats, where to be lodged and proceedings in respect to.

Notice of caveat to be sent by the Registrar to the Surrogate Clerk.

previous

previous section being received, the Surrogate Clerk shall forward so soon as may be to such Registrar notice of any Caveat that may have been so lodged as aforesaid touching such application, such notice to accompany or be embodied with the certificate mentioned in the next preceding section.

Registrars to transmit to Surrogate Clerk list of Probates, &c.

30. On the first Tuesday of every month, or oftener if required by any rule or order to be made under this Act, every Registrar of a Surrogate Court shall transmit by mail to the Surrogate Clerk a list in such form and containing such particulars as may from time to time be required by such rules and orders of the grants of Probates and administration made by such Surrogate Court up to the last preceding Saturday, and not included in any previous return, and also a copy certified by such Registrar to be a correct copy of every will to which any such Probate or administration relates, and such Registrars shall in like manner make return of every revocation of a Probate or administration.

Registrars to preserve testamentary instruments, papers, &c.

31. The Registrar of every Surrogate Court shall file and preserve all original wills and testamentary instruments of which Probate or letters of administration with the will annexed may be granted in such Surrogate Court, and all other papers used in any matter in such Court subject to such regulations as may from time to time be made by any rules or orders under this Act in relation to the due preservation thereof, and the convenient inspection of the same.

Where a will affecting real estate is proved in solemn form, or is the subject of contentious proceedings, heirs, &c., may be cited, but not necessarily so, save on order of Court.

32. Where proceedings are taken under this Act for proving a will in solemn form or for revoking the Probate of a will on the ground of the invalidity thereof, or where in any other contentious cause or matter under this Act the validity of a will is disputed, unless in the several cases aforesaid the will affects only personal estate, the heir or heirs at law, devisees or other persons having or pretending interest in the real estate affected by the will, may, subject to the provisions of this Act and to the rules and orders under this Act, be cited to see proceedings or otherwise summoned in like manner as the next of kin or others having or pretending interest in the personal estate affected by a will should be cited or summoned, and may be permitted to become parties subject to such rules and orders and to the discretion of the Court, but nothing herein contained shall make it necessary to cite the heirs at law, or other person having or pretending interest in the real estate of a deceased person unless the Court should, with reference to the circumstances of the case, direct the same to be done.

In actions concerning real estate, Probate, &c., to be *primâ*

33. In any Action at Law or Suit in Equity where according to the existing law it would be necessary to produce and prove an original will in order to establish a Devise or other testamentary disposition of or affecting real estate, it shall be lawful

lawful for the party intending to establish in proof such Devise or other testamentary disposition, to give to the opposite party ten days at least before the trial or other proceeding in which the said proof shall be intended to be adduced, notice that he intends at the said trial or other proceeding to give in evidence as proof of the devise or other testamentary disposition, the probate of the will or letters of administration with the Will annexed, or a copy thereof, stamped with the seal of the Surrogate Court granting the same; and in every case such Probate or Letters of Administration or copy thereof, respectively, stamped as aforesaid, shall be sufficient evidence of such will, and of its validity and contents notwithstanding the same may not have been proved in solemn form, or have been otherwise declared valid, in a contentious cause or matter as herein provided, unless the party receiving such notice shall, within four days after such receipt, give notice that he disputes the validity of such devise or other testamentary disposition.

facie evidence of will, &c., after certain notice, save where its validity is put in issue.

34. In every case in which in any such action or suit the original will shall be produced and proved, it shall be lawful for the Court or Judge before whom such evidence shall be given to direct by which of the parties the costs thereof shall be paid.

As to costs of proving a will in any action, &c.

35. An official copy of the whole or any part of a will, or an official certificate of the grant of any letters of administration, may be obtained from the Registrar of the Surrogate Court where the will has been proved or the administration granted, on payment of such fees as shall be fixed for the same by the Rules and Orders under this Act.

Official copy of the whole or part of a will may be obtained.

36. Pending any suit touching the validity of the will of any deceased person, or for obtaining, recalling or revoking any Probate or any grant of administration, the Court in which such suit is pending, may appoint an administrator of the personal estate of such deceased person; and the administrator so appointed shall have all the rights and powers of a general administrator other than the right of distributing the residue of such personal estate; and every such administrator shall be subject to the immediate control of the Court and act under its direction; and the Court may direct that such administrator shall receive out of the personal estate of the deceased such reasonable remuneration as the Court thinks fit.

Administration, *pendente lite*, may be granted.

Rights and powers of the administrator.

37. Where administration shall be granted with the Will annexed, bond shall be given to the Judge of the Court as in other cases and with like effect, and except otherwise provided for by this Act or the rules or orders to be from time to time made under this Act, the practice and procedure in respect to such administrations and in respect to such bonds and the assignment thereof shall, so far as the circumstances of the case will admit, be according to the practice in such cases in Her Majesty's Court of Probate in England.

Administration with the will annexed, practice as to, &c.

General power as to appointment of administrator under special circumstances

38. Where a person has died or shall die wholly intestate as to his personal estate or leaving a Will affecting personal estate, but without having appointed an executor thereof willing and competent to take probate, or where the executor shall at the time of the death of such person be resident out of Upper Canada, and it shall appear to the Court to be necessary or convenient in any such case by reason of the insolvency of the estate of the deceased, or other special circumstances, to appoint some person to be the administrator of the personal estate of the deceased or of any part of such personal estate other than the person who if this Act had not been passed would by law have been entitled to a grant of administration to such personal estate, it shall not be obligatory upon the Court to grant administration of the personal estate of such deceased person to the person who if this Act had not been passed would by law have been entitled to a grant thereof, but it shall be lawful for the Court in its discretion to appoint such person as the Court shall think fit upon his giving such security (if any) as the Court shall direct, and every such administration may be as limited as the Court shall think fit.

Discretionary power of Court as to who shall be appointed.

After grant of administration, no person to act as executor.

39. After any grant of administration no person shall have any power to sue or prosecute any suit, or otherwise act as executor of the deceased as to the personal estate comprised in or affected by such grant of administration until such administration shall have been recalled or revoked.

Revocation of temporary grants of administration not to prejudice actions or suits.

40. Where before the revocation of any temporary administration any proceedings at law or in equity have been commenced by or against any administrator so appointed, the Court in which such proceedings are pending may order that a suggestion be made upon the record of the revocation of such administration, and of the grant of probate or administration which shall have been made consequent thereupon, and the proceedings shall be continued in the name of the new executor or administrator in like manner as if the proceedings had been originally commenced by or against such new executor or administrator, but subject to such conditions and variations, if any, as such Court may direct.

Payments under Probates or Administration afterwards revoked to be valid.

41. Where any probate or administration is revoked under this Act, all payments *bonâ fide* made to any executor or administrator under such probate or administration before the revocation thereof, shall be a legal discharge to the person making the same; and the executor or administrator who shall have acted under any such revoked probate or administration may retain and reimburse himself in respect of any payments made by him which the person to whom probate or administration shall be afterwards granted might have lawfully made.

42. All persons and corporations making or permitting to be made any payment or transfer *bond fide* upon any probate or letters of administration granted in respect of the estate of any deceased person under the authority of this Act, shall be indemnified and protected in so doing, notwithstanding any defect or circumstance whatsoever affecting the validity of such probate or letters of administration.

Persons, &c., making payment upon Probate granted, to be indemnified, &c.

43. Where any person after the commencement of this Act renounces probate of the Will of which he is appointed executor or one of the executors, the rights of such person in respect of the executorship shall wholly cease and the representation to the testator and the administration of his effects shall and may without any further renunciation go, devolve and be committed in like manner as if such person had not been appointed executor.

Right of Executor renouncing Probate, to cease absolutely.

44. So much of an Act passed in the twenty-first year of King Henry the Eighth, chapter five, and of an Act passed in the twenty-second and twenty-third years of King Charles the Second, chapter ten, and of an Act passed in the first year of King James the Second, chapter seventeen, as requires any surety, bond or other security to be taken from a person to whom administration shall be committed, shall henceforth cease to extend to or be in force in Upper Canada.

Repeal of certain provisions requiring sureties to Administration bonds.

45. Every person to whom any grant of administration shall be committed shall give bond to the Judge of the Surrogate Court, from which such grant is made, to enure for the benefit of the Judge of such Court for the time being (or in case of the separation of Counties, to enure for the benefit of any Judge of a Surrogate Court to be named by the Court of Chancery for that purpose) with one or more surety or sureties as may be required by the Judge of such Court, conditioned for the due collecting, getting in and administering the personal estate of the deceased, which bond shall be in such form as may be prescribed by the Rules and Orders under this Act, and in cases not provided for by such Rules and Orders, such bond shall be in such form as the Judge of the Surrogate Court shall by special order direct.

Persons receiving grants of Administration to give bonds, &c.

46. Such bond shall be in a penalty of double the amount under which the estate and effects of the deceased shall be sworn, unless the Judge shall in any case think fit to direct the same to be reduced, in which case it shall be lawful for the Judge so to do, and the Judge may also direct that more bonds than one shall be given so as to limit the liability of any surety to such amount as the Judge shall think reasonable.

Penalty in bonds, &c., and as to dividing liability of sureties.

47. The Judge of every Surrogate Court may, on application made on motion or petition in a summary way, and on being satisfied that the condition of any such bond has been broken

Power of Surrogate Courts as to assignment of bonds.

Judge may order an allowance to be made to Executor or Administrator out of the estate, for his trouble.

broken, order the Registrar of the Court to assign the same to some person to be named in such order, and such person, his executors or administrators shall thereupon be entitled to sue on the said bond in his own name both at law and in equity as if the same had been originally given to him, instead of to the Judge of the Court, and shall be entitled to recover thereon, as Trustee, for all persons interested, the full amount recoverable in respect of any breach of the condition of the said bond, and all bonds heretofore given or taken in any Surrogate Court, and now in force, may in like manner be assigned under the authority of the Judge of a Surrogate Court, and the assignee shall be entitled to sue and recover thereon in his own name, and the same may be enforced in the same way and to the same extent as bonds given under this Act. And the Judge of any Surrogate Court may allow to the executor or trustee or administrator acting under Will or Letters of Administration, a fair and reasonable allowance for his care, pains and trouble and his time expended in or about the Executorship, Trusteeship or administration of the Estate and effects vested in him under any Will or Letters of Administration, and in administering, disposing of and arranging and settling the same, and generally in arranging and settling the affairs of the estate, and therefor may make an order or orders from time to time, and the same shall be allowed to an Executor, Trustee or Administrator in passing his accounts.

As to fees to be taken by officers on account of Fee Fund.

Accounts to be kept, &c.

Certain enactments extended to Surrogate Clerk, Registrars, &c.

48. The fees mentioned in the Schedule to this Act marked A shall be payable on proceedings under this Act and shall be collected by the Surrogate Clerk and Registrars of Surrogate Courts respectively, and shall belong to and form part of the general fee fund for local Courts and be applied towards payment of money authorized to be disbursed under this Act, and if such fee fund be not sufficient for the payment of the same, the Governor may issue his warrant on the Receiver General for the deficiency; and the amount of such warrant shall be charged on the Consolidated Revenue Fund of this Province; And the said Surrogate Clerk and Registrars of Surrogate Courts respectively shall keep an account of such fees and shall render an account of and pay over the amount of such fees in like manner as Clerks of County Courts are required to do in respect to collections for the fee fund in each county and under the same securities, liabilities and conditions, and the existing provisions of law in relation to receiving, accounting for and paying over fees and to the responsibilities and duties of County Court Clerks, shall extend and apply to the said Surrogate Clerk and Registrars of Surrogate Courts respectively, as fully as if the same had been herein contained and re-enacted, and this enactment shall also extend and apply to County Attornies, and the County Attorney for the United Counties of York and Peel shall be the receiver of fees from the Surrogate Clerk at Toronto.

49. The Judges of the several Surrogate Courts may demand and take to their own use the fees mentioned in the Schedule to this Act marked B, and such fees shall be collected by the Registrars of the said Courts on or before each proceeding and paid over to the said Judges, and annual returns of such fees up to the thirty-first day of December in each year shall be made by such Registrars on or before the first day of February in each year; and the Registrars and Officers of the said Surrogate Courts and Attorneys and Barristers respectively practising therein, shall be entitled to take for the performance of duties and services under this Act, such fees as shall be fixed under the provision hereinafter contained.

As to fees to be taken by Judges and officers, &c., to their own use.

50. The Judges to be appointed under the fourteenth section of this Act, or any two of them, shall as soon as conveniently may be after the passing of this Act, fix a table of fees to be taken by the Registrars and officers of the Surrogate Courts, and by Attorneys and Barristers practising therein in respect of business under this Act, and of fees to be payable in respect of searches, inspection and copies of and extracts from records, wills and other documents in the custody of or under the control of the said Surrogate Courts respectively, and the said Judges, or any two of them, may from time to time, after this Act shall come into operation, add to, reduce, alter or amend such table or tables as they shall see fit. And no other fees than those specified and allowed in such tables of fees shall be taken or received by such Registrars, Officers, Attorneys and Barristers respectively.

Judges may, under sect. 14, fix and limit amount of fees, &c.

No other fees to be taken.

51. The bill of any Attorney for any fees, charges or disbursements in respect of any business transacted in a Surrogate Court, whether contentious or otherwise, or any matter connected therewith, shall as well between Attorney and Client as between party, and party be subject to taxation in such Surrogate Court, and the mode in which such bill shall be referred for taxation, and by whom the costs of taxation shall be paid, shall be regulated by the rules and orders to be made under this Act, and the certificate of the Registrar of the amount at which such bill is taxed shall be subject to appeal to the Judge of the Court.

As to taxation of costs.

52. The Registrar of every Surrogate Court shall hold his office in the Court House of the County, and a room therein shall be provided for that purpose, and in the event of there being no room in the Court House, every such Registrar shall, until such room be provided, hold his office at such place as the Judge of the Court shall direct, and the office of every Registrar shall be a depository for all such wills of living persons as shall be given to every such Registrar for safe keeping, and all persons may deposit their wills in such depository upon payment of such fees and under such regulations as may from time to time be directed by rules or orders in that behalf made under this Act.

Registrar to have office, if room, in Court House, and his office to be a depository for the wills of living persons.

Existing grants of Probate or Administration void or voidable, because obtained from wrong Court, declared valid, and affidavits, &c., heretofore taken before Commissioners in Q. B., good.

53. All grants of probate or administration made before the commencement of this Act which may be void or voidable by reason only that the Courts from which respectively the same were obtained, had not jurisdiction to make such grants, shall be valid as if the same had been obtained from Courts entitled to make such grants: provided that any such grants of probate or administration shall not be made valid by this Act, when the same shall be before the commencement of this Act, when the same shall be before the commencement of this Act have been revoked or determined by any Court of competent jurisdiction to have been void: nor shall this Act prejudice or affect any proceeding pending at the time of the passing of this Act, in which the validity of any such probate or administration shall be in question; if the result of such proceeding shall be to invalidate the same, such probate or administration shall not be rendered valid by this Act, and if such proceeding shall abate or become defective by reason of the death of any party, any person who but for this Act would have any right by reason of the invalidity of such probate or administration, shall retain such right, and may commence proceedings for enforcing the same within six calendar months after the death of such party; And provided that any affidavit or bond, which has been received and allowed before the passing of this Act, in the Court of Probate or in any Surrogate Court, taken before a Commissioner for taking affidavits in either of the Superior Courts of Common Law, shall be valid and effectual to all intents and purposes.

Provido.

As to effect of grants of Probate or Administration before passing of this Act.

54. Legal grants of Probate and Administration made before the commencement of this Act, and grants of probate and administration made legal by this Act shall have the same force and effect as if they had been granted under this Act; Provided that where any probate or administration has been granted before the commencement of this Act, and the deceased had personal estate in Upper Canada not within the limits of the jurisdiction of the Court, by which such probate or administration was granted, or otherwise not within the operation of the grant, it shall be lawful for the Court to which, under this Act, an original application for probate or administration might be made, to grant probate or administration only in respect of such personal estate not covered by any former probate or administration, and such grant shall be limited accordingly.

Judge of present Probate Court and others to hand over wills, papers, &c., to Court of Chancery.

55. The Judge of the Court of Probate for Upper Canada, the Registrar thereof, and every person having the custody of books, documents and papers, of or belonging to the said Court, shall, forthwith after this Act comes into force, transmit to the Court of Chancery all books, records, wills, grants, probates, letters of administration, administration bonds, notes of administration, Court books, deeds, processes, Acts, proceedings, writs, documents and every other instrument, relating exclusively or principally to matters and causes testamentary, to be deposited in the said Court of Chancery, so as to be easy of reference under the control and direction of the Court.

56. All original suits and matters which at the commencement of this Act shall be pending in the Court of Probate for Upper Canada, shall be transferred with all proceedings therein to the present Surrogate Court for the Counties of York and Peel, there to be dealt with and decided according to the rules and practice under this Act, and such Surrogate Court shall possess full power and authority for the determination thereof.

Original suits, &c., pending in Court of Probate transferred to Surrogate Court of York and Peel.

57. All suits by way of appeal from the Surrogate Court, which at the commencement of this Act shall be pending in the Court of Probate, shall be transferred with all proceedings therein to the Court of Chancery, there to be dealt with and decided according to the practice of the said Court, as shall also all cases in process of appeal to the said Court of Probate when this Act comes in force.

Suits by way of appeal in Court of Probate transferred to Chancery.

58. All bonds taken in the Court of Probate on the grant of administration and in force at the time this Act comes into operation, the Court of Chancery may order to be assigned and the same may be enforced in the name of the assignee under the authority of the said Court of Chancery, in the same way as provided for in case of assignment of bonds in the Surrogate Court.

Bonds taken in Court of Probate may be assigned by order of Chancery.

59. Nothing in this Act shall extend or be construed to extend to make the Surrogate Courts, held under the provisions of this Act, new Courts, or to annul or make void any existing commission or appointment of any Judge of the said Surrogate Courts, who is also a Judge of the County Court, or of any Registrar of a Surrogate Court, but they shall be taken to be to all intents and purposes the same Courts as if they had continued to be held under the provisions of the Act hereby repealed; and the said Judges and Registrars shall continue to discharge their respective functions, and all suits and matters pending in the said Courts, when this Act comes in force, shall be continued under the provisions of this Act.

Surrogate Courts not to be deemed new Courts; officers and suits, &c., to continue.

60. From and after the passing of this Act, the Senior Judge of the County Court, in each County, shall be *ex officio* Judge of the Surrogate Court for the County, and in case of the illness or absence of any Judge of a Surrogate Court, the Junior Judge (if there be one in the County) of the County Court, or the Deputy Judge, shall have all the powers and privileges and perform all the duties of the Judge of the Surrogate Court, during such illness or absence, as is now provided for by law in case of the illness or absence of the Judge of the County Court; and further, on the death, resignation or removal of any Registrar, the Clerk of the County Court shall be *ex officio* Registrar for the County.

Judge of County Court to be *ex officio* Judge of Surrogate, &c.

Nuncupative will not good, &c.

61. No nuncupative Will, made after this Act comes in force, shall be good, provided that any Soldier, being in actual Military Service, or any Mariner or Seaman, being at sea, may dispose of his personal estate in such manner as he may now do according to the Laws of England.

And with respect to the appointment, control and removal of guardians by the Surrogate Court, Be it enacted as follows:

In matters of guardianship, Courts to have same powers for examination of witnesses and enforcing decrees, &c., as in testamentary matters.

62. In all matters and applications touching or relating to the appointment, control or removal of guardians of infants (such infants not having a father living or any legal guardian authorized by law to take the care of their persons and the charge of their estates), and the security to be given by such guardians and otherwise, the several Surrogate Courts shall have the like powers, jurisdiction and authority as are given to them by this Act in matters testamentary for the examination of witnesses, the production of deeds and writings, and generally for the enforcing of all orders, decrees and judgments made or given by such Surrogate Courts in respect to the appointment, control and removal of guardians as aforesaid, and such orders, decrees and judgments may be appealed from to the Court of Chancery in the manner hereinbefore provided for appeals in matters testamentary.

To what Court the right of appointing guardians shall belong.

63. The right of appointing guardians shall belong exclusively to the Surrogate Court for the County within which any such infants shall reside, and letters of guardianship granted by a Surrogate Court shall have force and effect in all parts of Upper Canada, and an official certificate of the grant may be obtained as in the case of letters of administration, and a return of every appointment and removal of a guardian shall be made by Registrars respectively to the Surrogate Clerk in like manner as in case of grants of probate or administration.

Procedure under 8 Geo. 4, c. 6, to be the same as in testamentary matters, &c.

64. The practice and procedure under the Act of the Parliament of Upper Canada, passed in the eighth year of the Reign of King George the Fourth, chapter six, intituled, *An Act respecting the appointment of Guardians*, shall, except where otherwise provided for by Rules or Orders under this Act, conform, as nearly as the circumstances of the case will admit, to the practice and procedure prescribed by this Act for the said Surrogate Courts, and all the powers given by the several sections of this Act, to the Judges to be appointed under the fourteenth section, may from time to time be exercised by them, for the purpose of simplifying and expediting the proceedings under the said Act of George the Fourth, and fixing and regulating the fees to be taken by Officers and by Attorneys and Counsel respectively for business and proceedings done and taken under the said last mentioned Act.

And with respect to the powers and jurisdiction generally given to the Surrogate Courts, Be it enacted, as follows :

65. The powers of the Judge appointed under the fourteenth section of this Act, shall extend and apply to the making from time to time of Rules and Orders for regulating, simplifying and expediting proceedings in the Surrogate Courts, and fixing and regulating the fees to be taken as aforesaid, under any Act or the provisions of any Act of the Parliament of Upper Canada, or of this Province, giving powers or jurisdiction to the said Surrogate Courts or to the Judges thereof.

Procedure in other matters of jurisdiction may be regulated by rules made under sect. 14.

66. Whereas the Judge of the Court of Probate and also the Judges of the several Surrogate Courts, who are not Judges of the County Courts, will be superseded by the provisions of this Act, and it is just to make some provision for them--

Be it enacted, That Secker Brough, the Judge of the said Court of Probate, shall be entitled to receive a gratuity not exceeding the amount of fees received by him for the last preceding five years; and that each Judge of a Surrogate Court who will by the provisions of this Act be superseded, shall be entitled to receive a gratuity not exceeding the amount of fees received by him for the last preceding five years, or if he shall not have held office for that time, to a gratuity equal to the amount of fees received by him for such time not exceeding three years; and the said several sums shall be paid out of the general Fee Fund at such times and in such manner as the Governor may direct. Provided that if the said Secker Brough, shall hereafter be appointed to any office under the Government of this Province, the salary and emoluments whereof shall amount to double the sum of such annuity, the same shall thenceforward cease and wholly determine.

Allowances to Judges of Probate or Surrogate Courts superseded by this Act.

Proviso.

67. In the construction of this Act, unless the context shall be inconsistent with the meaning hereby assigned-- "will" shall comprehend "testament," and all other testamentary instruments of which probate may now be granted-- "administration" shall comprehend all letters of administration of the effects of deceased persons whether with or without the will annexed, and whether granted for general special or limited purposes,--" matters and causes testamentary " shall comprehend all matters and causes relating to the grant and revocation of Probate of wills or letters of administration,--" common form business " shall mean the business of obtaining Probate or administration where there is no contention as to the right thereto, including the passing of Probates and administration through a Surrogate Court when the contest is terminated, and all business of a non-contentious nature to be taken in a Surrogate Court in matters of testacy and intestacy not being proceedings in any suit, and also the business of lodging caveats against the grant of Probate or administration,--" County " shall comprehend two or more Counties united for Judicial purposes, and the Rules of construction laid down by the Interpretation Act shall be applicable to this Act.

Interpretation clause.

Will.

Administration.

Matters and causes testamentary.

Common Form Business.

County.

Interpretation Act to apply.

Repeal of—

33 G. 3, c. 8 ;

And part of 8 G. 4, c. 6. Sect. 7 of 16 V. c. 19 ;

And of all enactments inconsistent with this Act.

Exceptions to repeal.

When this Act shall come into operation.

Short Title of this Act.

68. From the time when this Act shall commence and take effect, the whole of an Act of the Parliament of Upper Canada, passed in the thirty-third year of King George the Third, Chapter eight, intituled, *An Act to establish a Court of Probate in this Province, and also a Surrogate Court in every District thereof*, the fourth, fifth and sixth sections of an Act passed in the eighth year of King George the Fourth, chapter six, intituled, *An Act respecting the appointment of Guardians*, and so much of the said last mentioned Act as relates to or confers any authority on the Court of Probate, and also the seventh section of the Act passed in the sixteenth year of the Reign of Her present Majesty, chaptered nineteen, and intituled, *An Act to repeal the Acts therein mentioned, and to improve the law of evidence in Upper Canada*, together with all other Acts or parts of Acts of the Parliament of Upper Canada, or of this Province, at variance or inconsistent with the provisions of this Act, shall be and the same are hereby repealed, except so far as the said Acts or any of them, or any thing therein contained, repeal any former Act or Acts or any part thereof, all which said last mentioned Acts shall remain and continue so repealed, and excepting also so far as the said Acts or parts of Acts hereby repealed and provisions thereof or any of them, shall and may be necessary for supporting, continuing and upholding any proceedings that shall have been had or taken before the commencement of this Act.

69. This Act shall come into operation on the first day of September next, except the provisions contained in the fourteenth and fiftieth sections which shall come into operation on the passing of this Act.

70. In citing this Act in any instrument or document of proceeding, it shall be sufficient to use the expression "the Surrogate Courts Act 1858."

SCHEDULE A.

Fees to belong to and to be paid over to fee fund.

TO BE RECEIVED BY REGISTRARS.

On every application for Probate or administration or for guardianship (including notice thereof to Surrogate Clerk, but not postage).....	50 cents.
On certificate of Surrogate Clerk upon such application (including transmission to Registrar, but not postage).....	50 cents.
On every instrument or process with Seal of Court, Entry and notification of Caveat, not including postage.....	50 cents.

On

On every Grant of Probate or Administration, as follows viz:

Where property devolving is under \$1,200	\$1
Where property devolving is from \$1,200 to \$4,000	\$2
Where property devolving is above \$8,000	\$3
On every final Judgment in contentious or disputed case	\$1
On deposit of wills for safe custody, each	50 cents.

TO BE RECEIVED BY SURROGATE CLERK.

On every search for grant of Probate, administration, guardianship or other matter in clerk's office (other than searches on applications of registrars)	50 cents.
On every certificate of search or extract (if exceeding three folios, per folio 10 cents.)	50 cents.
On every order made on application to a Judge in Chancery and transmission of same, exclusive of postage	50 cents.
On entry of every appeal	50 cents.
On every decree on appeal and transmission, exclusive of postages	\$2
On entry of Caveat	50 cents.

SCHEDULE B.

Fees allowed to Judge.

On every grant of Probate or administration where property devolving is under \$1200, the sum of \$2; from \$1200 to \$4000, the sum of \$3; where above \$8000, the sum of \$7; on every appointment of a guardian, \$2; on every order, 50 cents; on every special attendance or purpose of audit, \$1; for every days sittings in contentious or disputed cases, \$2; together with 20 cents per folio on evidence, if taken, before Judge.

C A P . X C I V .

An Act to extend the provisions of the Act to amend the Law for the admission of Attorneys.

[Assented to 16th August, 1858.]

WHEREAS it is expedient to extend the provisions of the Act passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to amend the Law for the admission of Attorneys*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.
20 V. c. 63.

1. Whenever by reason of the expiration of the period of contract of service during any Term of Hilary, Easter, Trinity

Where certain requisites of or

20 V. c. 63, cannot be complied with, Law Society, upon proof furnished, may afford relief and examine the applicant; but certificate cannot be granted until the Articles, Affidavits, &c., have been left with Secretary of Law Society.

or Michaelmas, it shall be impossible for any applicant for examination and admission under the said Act to comply with the requisites of the said Act, in respect to the leaving of the contract of service and any assignment thereof, together with the affidavit of due execution thereof, and of due service thereunder, with the Secretary of the Law Society of Upper Canada, fourteen days next before the first day of any such Term, it shall be lawful for the Law Society of Upper Canada, upon satisfactory proof that the day of expiration of such contract of service has not arrived, but will arrive previously to the last Thursday in the then present Term of Hilary, Easter, Trinity or Michaelmas, in which such applicant seeks admission, and upon being satisfied in all other requisites of the said Act, to proceed to the examination of such applicant notwithstanding such service not having been completed: but no certificate of due service, fitness and capacity shall be issued by the Law Society as required by the said Act, until the said contract of service and affidavits, and all other documents required by the said Act have been left with the Secretary of the Law Society of Upper Canada; Provided that this Section shall apply only to such persons as have entered into contracts of service prior to the first day of July, one thousand eight hundred and fifty-eight.

Proviso: to apply only to contracts of service made before 1st July, 1858.

In lieu of certain certificates required by sect. 5 of 20 V. c. 63, applicant to make an affidavit that no application has been made against him.

2. It shall not be requisite for any applicant under the Fifth Section of the said Act to produce a certificate under the seal of any of the Societies or Inns of Court in England, Scotland, or Ireland, duly authorized in that behalf, when such applicant shall have been called to the Bar, or of any such Court or Courts, and duly attested under the hand of the proper Officer of such Society or Inn of Court, or of such Court or Courts, to the effect that the said applicant was at the date thereof on the Books of the said Society or Inn of Court, or on the Roll of Attorneys or Solicitors of such Court or Courts, and that no application to any of the Societies or Inns of Court, or to any of the Court or Courts in the said section mentioned, had been made since his admission thereto against such person for misconduct in such his capacity of Attorney or Solicitor; neither shall it be necessary to produce a certificate under the hands of two or more persons of the good moral character of the applicant, but in lieu thereof shall be left with the Secretary of the Law Society of Upper Canada, contemporaneously with the several certificates of such applicant having been called to the Bar, or of his admission and enrolment as an Attorney or Solicitor as in the said section mentioned, an affidavit of such applicant, to the satisfaction of the Law Society of Upper Canada, that no application, (in the case of a Barrister to any Society or Inn of Court, and in the case of an Attorney or Solicitor to any such Court or Courts, as the case may be,) has been made since his admission thereto against such person to disbar him or to strike him off the rolls of any such Court, or otherwise to disqualify him from further practice for misconduct

in such his capacity of Barrister, Attorney or Solicitor :
 Provided that the Law Society of Upper Canada may, in any such case, where it shall appear to them expedient for purposes of further enquiry or investigation, suspend for a period not exceeding twelve months, their final decision in respect to the granting or refusal of this certificate : and provided also that the said fifth section shall also apply to persons heretofore called, or who may hereafter be called to the Bar in Upper Canada.

Proviso : that Law Society may suspend their decision 12 months, when enquiry is deemed expedient.

3. The provisions of the seventh and eighth sections of the said Act, in so far only as they require the filing of the contract of service and affidavit annexed within three months after the execution of the same, shall not apply to contracts of service entered into between the passing of the said Act and the first day of July, one thousand eight hundred and fifty-eight : and in case any person, having entered into such contract of service between the passing of the said recited Act and the first day of July, one thousand eight hundred and fifty-eight, shall have neglected to have made and filed the affidavits required by the said seventh and eighth sections of the said recited Act, within the period of three months from the true date thereof as therein specified, it shall be sufficient that such affidavit shall be so made and filed before the first day of January, one thousand eight hundred and fifty-nine.

Time for filing articles and affidavits extended to 1st January, 1859.

4. No person who has heretofore, or who shall hereafter, become bound under a contract of service shall be admitted an Attorney or Solicitor before such contract and affidavit together with any assignment thereof, so marked respectively as by the said recited Act or this present Act required, shall have been produced to the Law Society of Upper Canada in pursuance of the provisions in the said recited Act, and also hereinbefore contained, unless the said contract of service, affidavit and any assignment or any of them cannot be produced, in which case the Law Society of Upper Canada may, on application in that behalf to be made to them at least fourteen days next before the first day of the Term in which any applicant seeks admission, and on being satisfied of such fact, in their discretion, dispense with the production thereof ; and the certificate of the Law Society of Upper Canada of such dispensation shall be sufficient in lieu of the production of the required contract and affidavit and any assignment thereof under the Proviso to the sixth section of the said Act amended.

Where articles or affidavit or any assignment cannot be produced, Law Society, on proof made, may dispense with their production.

5. From and after the passing of this Act, no person shall practise as an Attorney or Solicitor of any Court of Law or Equity in Upper Canada, who shall, either in his own person, or by his partner, deputy, or agent, or in the name of any other person, or otherwise, directly or indirectly hold, possess, practise, carry on, or conduct any of the offices of Clerk of the Crown and Pleas of the Courts of Queen's Bench and Common

Parties holding certain offices disqualified from practising as Attorneys or Solicitors.

Penalty for practising in contravention of this Act.

Proviso.

Repeal.

Common Pleas, Deputy Clerk of the Crown and Pleas of any County or Union of Counties, Registrar of the Court of Appeals, Clerk of the County Court, Clerk of a Division Court, or Registrar of any County, or Union of Counties, in Upper Canada; and every such person so practising shall be subject to the forfeiture of such office, and shall, in addition thereto, be subject to a penalty of Five Hundred Pounds, to be recovered in an action of debt in Her Majesty's Court of Queen's Bench for Upper Canada, to the use of Her Majesty, Her Heirs and Successors; Provided always that nothing herein contained shall be construed to extend to any Deputy Master or Deputy Registrar of the Court of Chancery.

6. The Twelfth Section of the said Act is hereby repealed.

C A P . X C V .

An Act to provide for the establishment of separate Registry Offices in Cities, Junior Counties and Ridings of Counties in Upper Canada.

[Assented to 16th August, 1858.]

Preamble.

WHEREAS it would tend to facilitate the transfer of Real Estate and to the convenience of inhabitants of Cities and of Junior Counties and Ridings of Counties not set apart for Judicial and Municipal purposes if Registry Offices were established therein respectively from time to time, as the necessity therefor may appear: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Governor may, by proclamation, establish a Registry Office in any City, Junior County or Riding of a County;

1. It shall be lawful for the Governor of this Province, so often as he shall deem the circumstances of any City, or of any Junior County of an Union of Counties, or Riding of a County or Counties not set apart for Judicial or Municipal purposes, such as to call for or render expedient and advisable the establishment therein of a separate Registry Office for the registration of Deeds, Conveyances, Wills, Judgments and other documents or incumbrances which may affect any lands, tenements or hereditaments within such City or Junior County or Riding of a County or Counties, by an Order in Council to cause to be issued a Proclamation under the Great Seal of this Province, and thereby to set apart and establish a Registry Office for such City or Junior County or Riding of a County or Counties, and in the case of a Junior County or Riding of a County or Counties, to name some place where the Office of the Registrar shall be held until the dissolution of such Union of Counties or erection of such Riding into a separate County and the fixing therein of a County Town, when such Registry Office shall be removed to and kept in such County Town.

And appoint the place thereof in a Junior County or Riding.

2. Upon the issuing of any such Proclamation all Acts and parts of Acts, and Provisions of Law in force at the time thereof in reference to the establishment of Registry Offices within Upper Canada, or in connection therewith, and all laws in reference to the registration of Deeds or other instruments affecting real estate shall, except in so far as the same may be inconsistent with the provisions of this Act, apply to Registry Offices, set apart and established under this Act. Provided always that the word "County" in the said several Acts contained shall, for the purposes of this Act, mean and include a City, as well as a Junior County or a Riding of a County or Counties for which a separate Registry Office shall be established under this Act; and the duties imposed upon Municipal Councils shall, in the case of such Junior County or Riding, be discharged by the Municipal Council of the Counties of which such Junior County or Riding shall form part, and in the case of a City by the Municipal Council of such City.

All Acts in force respecting Registry Offices, to apply to those established under this Act.

Proviso.

C A P . X C V I .

An Act for abolishing arrest in Civil Actions in certain cases, and for the better prevention and more effectual punishment of fraud.

[Assented to 16th August, 1858.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. After the first day of September, in the year of Our Lord, one thousand eight hundred and fifty-eight, no person shall be arrested upon mesne or final process in any civil action in any of Her Majesty's Courts in Upper Canada, except in the cases and in the manner hereinafter provided for.

Abolition of arrest for debt, except as herein provided.

2. If any party or plaintiff being a creditor of or having a cause of action against any person now liable to arrest, whether upon the order of a Judge or without such order, shall, by the affidavit of himself or of some other individual, show to the satisfaction of a Judge of either of the Superior Courts of Common Law at Toronto, that such party or plaintiff has a cause of action against such person to the amount of twenty-five pounds or upwards, or has sustained damage to that amount, and shall also by affidavit show such facts and circumstances as shall satisfy the said Judge, that there is good and probable cause for believing that such person, unless he be forthwith apprehended, is about to quit Canada with intent to defraud his creditors generally or the said party or plaintiff in particular, it shall be lawful for any such Judge by a special order to direct that the person against whom such application shall be made, so about to quit Canada with intent as aforesaid,

In certain cases, defendant may be held to bail on affidavit of certain facts and order of a Judge: Ca. Res. may issue on such order within a limited time.

aforsaid, shall be held to bail for such sum as such Judge shall think fit, and thereupon it shall be lawful for such party or plaintiff, within the time which shall be expressed in such order but not afterwards, to sue out a writ of *capias* and one or more concurrent writs of *capias* in either of the said Superior Courts against the person so directed to be held to bail: Provided always that nothing in this Act contained shall subject any person to arrest who by reason of any privilege, usage or otherwise may now by law be exempt therefrom: And provided also that it shall not be necessary that any such affidavit shall be at the time of the making thereof, entitled of or in any Court, but that the style and title of the Court may be added at the time of suing out the process, and shall be that of the Court out of which the process is issued, and that such style and title when so added, shall be, for all purposes and in all proceedings whether civil or criminal, taken and adjudged to have been part of the affidavit *ab initio*.

Privileged persons not affected.

Affidavit need not be at first entitled of any Court.

Special bail may be put in, and declaration filed, &c.

3. Special bail may be put in and perfected according to the practice now in force; and after special bail is so put in, the plaintiff may proceed by filing a declaration or otherwise to judgment, in like manner as if the action had been commenced by writ of summons and the defendant had appeared thereto.

Ca. Res. may be taken out before judgment on Judge's order obtained as in sect. 2, in action commenced by summons.

Form and service of such Writ.

Costs.

4. It shall be lawful for the plaintiff, after the commencement of any action by writ of summons, but before judgment, upon obtaining a Judge's order for that purpose in the manner provided for in the second section of this Act, to sue out of the office whence such summons issued a writ of *capias* and one or more concurrent writs in manner directed by "The Common Law Procedure Act, 1856," which writ of *capias* in every such case shall be in the form contained in Schedule (A) to the said Act annexed and marked No. 6, and may be directed to the Sheriff of any county or union of counties in Upper Canada, and so many copies of such writ, with every memorandum or notice subscribed thereto and all endorsements thereon, as there may be persons intended to be arrested thereon, shall be delivered with such writ to the Sheriff or other officer who may have the execution or return thereof, and who shall immediately upon or after the execution thereof, cause one such copy to be delivered to every person upon whom such process shall be executed by him, and shall indorse upon such writ the true day of the execution thereof, within three days at farthest after such execution; and the proceedings in any such action may be carried on to judgment without regard to the issuing of such *Capias* or to any proceedings in any way arising from or dependent thereon—and on entering judgment the plaintiff shall be entitled to tax the costs of such writ or writs of *Capias* and the proceedings thereon in like manner as if the suit had been originally commenced by *Capias*, together with the other costs incurred and taxable in the cause: Provided

Provided always that notwithstanding any thing contained in the fourth section of "The Common Law Procedure Act, 1856," such writ shall be issued in the Court out of which the original writ in the cause was sued out.

Writ to issue from the same Court as the Writ of Summons.

5. The Sheriff or other officer to whom any such writ of Capias shall be directed shall, within two calendar months after the date thereof, but not afterwards, proceed to arrest the defendant thereupon, and on such defendant being so arrested subsequent proceedings shall be according to the practice now in force in the said Superior Courts of Common Law.

Defendant must be arrested within one month from date of Writ, &c.

6. In cases in which the Defendant has been held to special bail upon a writ of capias issued on a Judge's order made under this Act, it shall not be necessary before suing out a writ of capias *ad satisfaciendum* to obtain a Judge's order for the issuing thereof, or to make or file any further or other affidavit than that upon which the order authorizing the defendant's arrest was obtained in the first instance; but where the defendant has not been so held to special bail, if the plaintiff in the action shall by the affidavit of himself or some other party, show to the satisfaction of a Judge of either of the said Superior Courts of Common Law that he has recovered judgment against the defendant for the sum of twenty-five pounds or upwards, exclusive of costs, and shall also by affidavit show such facts and circumstances as shall satisfy the said Judge that there is good and probable cause for believing either that the defendant, unless he be forthwith apprehended, is about to quit Canada with intent to defraud his creditors generally or the said plaintiff in particular, or that the defendant hath parted with his property or made some secret or fraudulent conveyance thereof in order to prevent its being taken in execution, it shall be lawful for any such Judge, by a special order, to direct that a *capias ad satisfaciendum* may be issued, and a writ of *capias ad satisfaciendum* may thereupon be issued upon such judgment according to the practice now in force in the said Superior Courts.

No new affidavit or order required for Ca. Sa. in cases where Ca. Res. has issued under this Act.

How and in what other cases Ca. Sa. may be obtained.

Affidavit.

Order for Ca. Sa.

7. Notwithstanding any thing contained in "The Common Law Procedure Act, 1856," no writ of capias shall be "renewed," but on the expiration thereof a new order may be obtained in manner directed by this Act.

Writ not renewable, but new order must be obtained.

8. It shall be lawful for any person arrested upon any such writ of capias to apply at any time after such arrest to a Judge of either of the Superior Courts of Common Law at Toronto, or to the Court in which the action shall have been commenced, for an order or rule on the plaintiff, to show cause why the person arrested should not be discharged out of custody; and it shall be lawful for such Judge or Court to make absolute or discharge any such order or rule and to direct the costs of the

Defendant may apply to a Judge to be discharged from custody.

Power of Judge.

the

Court may discharge or vary Judge's order.

the application to be paid by either party, or to make such other order therein as to such Judge or Court shall seem fit; provided that any such order made by a Judge may be discharged or varied by the Court on application made thereto by either party dissatisfied with such order.

Prisoners on mesne process for debt at the commencement of this Act, entitled to discharge, but may be re-arrested on special order, &c.

9. Every prisoner who, at the time appointed for the commencement of this Act, shall be in custody or on bail upon mesne process for any debt or demand, shall be entitled to be discharged upon entering a common appearance to the action; provided nevertheless that every such prisoner shall be liable to be detained, or after such discharge to be again arrested, by virtue of any such special order as aforesaid, at the suit of the plaintiff at whose suit he was previously arrested or by any other plaintiff.

Orders under sects. 2 and 4 may be made by County Judge.

10. In order to provide an expeditious mode of obtaining process for the arrest of persons and for their discharge if unduly arrested, in cases where process is intended to be sued out or an action has been commenced in either of the Superior Courts, it shall be lawful for the Judge or the acting Judge of any County Court, to make such order as is mentioned in the second and fourth sections of this Act, on the application of any party, or on the application of any plaintiff in any cause in either of Her Majesty's Superior Courts of Common Law at Toronto, upon the same grounds and in the same manner as a Judge of the said Superior Courts might: And such County Judge or acting Judge as aforesaid shall have all the powers given by this Act to a Judge of the said Superior Courts in respect to the making such orders as aforesaid: And the Judge of a County Court making any order as aforesaid shall, in respect to such his order, the writ of *capias* thereon issued, and the arrest made thereupon, possess all the powers given to a Judge of either of the said Superior Courts under the eighth section of this Act, and may in like manner on application to him, order the defendant to be discharged out of custody, direct the costs of the application to be paid by either party, or make such other order therein as to such County Court Judge shall seem fit.

Powers of County Judge in such cases.

A debtor in custody in execution, may apply to be discharged: and after what notice, &c.

11. Any debtor according to the intent and meaning of "the Common Law Procedure Act, 1856," who shall be confined in close custody in execution at the time of, or after the passing of this Act, may give to the party at whose suit he is a prisoner or to his Attorney, a notice in writing that he will after the expiration of ten days from the day when such notice shall be served, apply to be discharged from custody, and whenever any such debtor shall give such notice, it shall be lawful for the plaintiff at whose suit he is confined, to file interrogatories for the purpose of discovering any property or effects which such debtor may be possessed of or entitled to, or which may be in the possession or under the control of some other

Examination of such debtor as to his property, &c. by interrogatories.

other person for the use or benefit of such debtor, or which such debtor, having been in possession of, may have fraudulently disposed of to injure his creditor, and touching such debtor's estate and effects, and the circumstances under which he contracted the debt or incurred the liability which was the subject of the action in which Judgment was rendered against him, and as to the means and expectations such debtor then had, and as to the property and means he still hath, and as to the disposal he may have made of any of his property, and to serve a copy of such interrogatories on such debtor; or it shall be lawful for the plaintiff, at his option, to cause such debtor to be examined *vivâ voce* upon oath before the Judge of the County Court, in the County in which such debtor is confined, or before some one to be appointed in that behalf by such County Judge, upon and touching all or any of the matters aforesaid; and such County Judge may issue an order to the Sheriff or Gaoler having the custody of such debtor, to bring such debtor before him or before some person to be named in such order, for the purpose of being so examined, and it shall be lawful for such Sheriff or Gaoler to take such debtor before such Judge or person as aforesaid, for examination under the authority of this Act, in the same manner as if such Sheriff or Gaoler were acting in obedience to a Writ of Habeas Corpus ad testificandum.

Or *vivâ voce*
before County
Judge.

Debtor to be
taken before
the Judge
upon his order.

12. After the expiration of ten days from the day of the service of a notice by a debtor of his intention to apply for his discharge from custody under the next preceding section, such debtor may, upon proof of such notice, and upon making oath that he is not worth five pounds exclusive of his necessary wearing apparel, the bed and bedding of such debtor or his family, and one stove and cooking utensils of such debtor, and also the tools and implements of his trade not exceeding the value of fifteen pounds, and that he hath answered all interrogatories which have been filed by the Plaintiff, and hath given due notice of such answers (or if no interrogatories have been served, that he hath not been served with any interrogatories), and that he has submitted himself to be examined pursuant to the order of the County Judge (or if such order has not been served, that he has not been served with any such order), apply to the Court from which the process on which he is confined issued, or to any Judge having authority to dispose of matters arising in suits in such Courts, for a rule or summons to shew cause why he should not be discharged from custody, and upon the return of such rule or summons, and where there are interrogatories if the answers thereto are deemed sufficient by such Court or Judge, or where such examination has taken place if the matter thereof be deemed satisfactory by such Court or Judge, such debtor shall be by rule or order discharged from custody, and such discharge shall have the same and no other effect as a discharge for non-payment of the weekly allowance: Provided that the Court or Judge may, on the return of

Application
of such debtor
for discharge
on his having
complied with
certain re-
quirements,
and making a
certain affida-
vit.

Discharge, and
its effect.

Further exa-
mination of
the

debtor may be ordered.

Discharge may be on condition of assignment by debtor.

Re-committal of such debtor for not more than 12 months, in cases of fraud, seduction, libel, &c.

the rule or summons, if the Plaintiff has already filed interrogatories, or caused such debtor to be examined *viva voce*, and if further inquiry appears requisite for the ends of Justice, allow to the Plaintiff a reasonable time to file further interrogatories, or to cause such debtor to be further examined *viva voce*, and for the debtor to answer them or submit to such further examination, before the rule or summons be finally disposed of: Provided also that the Court or Judge may make it a condition of the debtor's discharge, that he shall first assign and convey to the party at whose suit he is in custody any right or interest which he may have or be presumed to have in and to any property, real or personal, credits and effects, other than the wearing apparel, bed, bedding, stove, cooking utensils, tools and implements of trade before mentioned, such assignment or conveyance to be approved by the Court or Judge; Provided lastly, that if it shall appear that the debt for which such debtor is confined was contracted by any manner of fraud or breach of trust, or under false pretences, or that such debtor wilfully contracted such debt or liability without having had at the same time a reasonable assurance of being able to pay or discharge the same, or that he is confined by reason of any Judgment in an action for breach of promise of marriage, seduction, criminal conversation, libel or slander, the Court or Judge may order the Applicant to be recommitted to close custody for any period not exceeding twelve calendar months, and to be then discharged.

Judgment creditor may apply to have his judgment debtor examined as to his property, &c.

Committal of debtor for non-attendance, refusal to answer, answering unsatisfactorily, &c.

13. It shall be lawful for any party who has obtained a judgment in any Court in Upper Canada, (or any person entitled to enforce such a judgment) to apply to such Court or to any Judge having authority to dispose of matters arising in such Court, for a rule or order that the judgment debtor shall be orally examined upon oath before the Clerk of the Crown, or before the Judge or Clerk of the County Court within the jurisdiction of which such debtor shall reside, or before any other person to be named in such rule or order, touching his estate and effects, and as to the property and means he had when the debt or liability which was the subject of the action in which judgment was obtained against him was incurred, and as to the property and means he still hath of discharging the said judgment, and as to the disposal he may have made of any property since contracting such debt or incurring such liability; and in case such debtor shall not attend as required by the said rule or order, and shall not allege a sufficient excuse for not attending, or shall, if attending, refuse to disclose his property or his transactions respecting the same, or shall not make satisfactory answers respecting the same, or if it shall appear from such examination that such debtor has concealed or made away with his property in order to defeat or defraud his creditors or any of them, such Court or Judge may order such debtor to be committed to the Common Gaol of the County in which he resides for

for any time not exceeding twelve months, or it shall be lawful for any such Court or Judge, by rule or order, to direct that a writ of *capias ad satisfaciendum* may be issued against such debtor, and a writ of *capias ad satisfaciendum* may thereupon be issued upon such judgment according to the practice now in force in the said Superior Courts, or in case such debtor enjoys the benefit of the gaol limits, such Court or Judge may make a rule or order for such debtor's being committed to close custody under the three hundred and seventh section of "The Common Law Procedure Act 1856."

Or order for issue of Ca. Sa. against him.

14. If it shall happen that any discharge granted under this Act shall have been unduly or fraudulently obtained by any false allegation of circumstances which if true might have entitled such debtor to be discharged by virtue of this Act, such debtor shall, upon the same being made to appear to the satisfaction of such Court or a Judge as aforesaid, be liable to be again taken in execution and remanded to his former custody by rule or order of such Court or Judge; Provided always that no sheriff or gaoler shall be liable as for an escape of such debtor in respect of his enlargement during such time as he shall have been at large by means of such his undue discharge as aforesaid.

Debtor unduly obtaining discharge may be re-taken in execution.

Proviso: saving Sheriff, &c.

15. Every person who shall upon any examination upon oath or affirmation, or in any affidavit made or taken in any proceedings under this Act, wilfully and corruptly give false evidence, or wilfully and corruptly swear or affirm any thing which shall be false, and shall be thereof convicted, shall be liable to the penalties of wilful and corrupt perjury.

False swearing, &c., on any examination to be perjury.

16. The Common Law Procedure Act 1856, and this Act, shall be read and construed as one Act as if the several provisions in the said Act contained, not inconsistent with the provisions of this Act, were repeated and re-enacted in this Act. And all the powers conferred on the Judges by that Act and by the ninth section of the County Courts Amendment Act 1857, shall be and are hereby extended to the making from time to time all rules and forms of proceeding necessary for giving effect to this Act.

Act 19, 20 V. c. 43, and this Act, to be construed as one.

Powers for making Rules, Forms, &c.

17. The first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, eighteenth, nineteenth and twenty-second sections of this Act shall extend and apply to and be in force in the several County Courts in Upper Canada, and actions and proceedings therein respectively, as shall also the rules and forms to be made as mentioned in the sixteenth section of this Act, subject to the modifications expressed in the second section of "The County Courts Procedure Act 1856."

Certain sections of this Act to apply to County Courts.

Confessions of judgment cognovits, or Warrants to confess given by insolvents to defeat or delay creditor, or to give one preference over the other, to be void.

18. Every confession of Judgment, Cognovit Actionem or Warrant of Attorney to confess Judgment, voluntarily or by collusion with a creditor or creditors, given by any person (such person being at the time in insolvent circumstances, or unable to pay his debts in full, or knowing himself to be on the eve of insolvency) with intent in giving such confession, cognovit actionem or warrant of Attorney to confess judgment, to defeat or delay his creditors wholly or in part, or with intent thereby of giving one or more of the creditors of such person a preference over his other creditors, or over any one or more of such creditors, shall be invalid and ineffectual to support any judgment or writ of execution, and every such confession, cognovit actionem or warrant of Attorney to confess judgment, shall be deemed and taken to be null and void as against the creditors of the party giving the same, to all intents and purposes whatsoever.

Assignments, transfers, &c., made by insolvents to defeat creditor or give one preference over another, shall be void.

19. If any person being at the time in insolvent circumstances or unable to pay his debts in full, or knowing himself to be on the eve of insolvency, shall make or cause to be made any gift, conveyance, assignment or transfer of any of his goods, chattels or effects, or deliver or make over, or cause to be delivered or made over, any bills, bonds, notes or other securities or property, with intent to defeat or delay the creditors of such person, or with intent of giving one or more of the creditors of such person a preference over his other creditors, or over any one or more of such creditors, every such gift, conveyance, assignment, transfer or delivery, shall be deemed and taken to be absolutely null and void as against the creditors of such person; Provided always that nothing herein contained shall be held or construed to invalidate or make void any deed of assignment made and executed by any debtor for the purpose of paying and satisfying rateably and proportionably, and without preference or priority, all the creditors of such debtor their just debts; And provided further, that nothing herein contained shall be construed to invalidate or make void any *bonâ fide* sale of goods in the ordinary course of trade or calling to innocent purchasers.

Proviso.

Proviso.

Destroying or altering books, &c., to defraud creditors, to be a misdemeanor.

Punishment.

20. Any person who shall destroy, alter, mutilate or falsify any of his books, papers, writings or securities, or make or be privy to the making of any false or fraudulent entry in any book of account or other document, with intent to defraud his creditors, or any one or more of them, shall be deemed guilty of a misdemeanor, and on being convicted thereof shall be liable to be imprisoned in any common gaol for any term not exceeding six months, and such offence may be tried before any Court of Oyer and Terminer or General Gaol Delivery.

Making assignments, or concealing or disposing of

21. Any person who shall make or cause to be made any gift, conveyance, assignment, sale, transfer or delivery of any of his lands, hereditaments, goods or chattels, or who shall remove, conceal

conceal or dispose of any of his goods, chattels, property or effects of any description with intent to defraud his creditors or any of them, and any person who shall receive such property, real or personal, with such intent, shall be deemed guilty of a misdemeanor, and on being convicted thereof shall be liable to be imprisoned for any term not exceeding twelve months, and to be fined in any sum not exceeding two hundred pounds; and such offence may be tried before any Court of Oyer and Terminer or General Gaol Delivery.

goods to defraud creditors, to be a misdemeanor.

Punishment.

22. From the time when this Act shall commence and take effect, the fifteenth section of an Act of the Parliament of Upper Canada, passed in the second year of the reign of the late King George the Fourth, intituled, *An Act to repeal part of and amend the laws now in force respecting the practice of His Majesty's Court of King's Bench in this Province*, the twenty-third, forty-second, one hundred and eighty-fifth, and three hundredth sections of the "Common Law Procedure Act 1856," and also so much of the forty-eighth section of the said last mentioned Act, as provides, "That after obtaining Judgment it shall not be necessary for the plaintiff to make or file any other or further affidavit than that on which the Writ of Attachment was ordered in order to sue out a Writ of *Capias ad satisfaciendum*," together with all other Acts or parts of Acts of the Parliament of Upper Canada or of this Province at variance with or inconsistent with the provisions of this Act, shall be and the same are hereby repealed, except so far as the said Acts or any of them, or any thing therein contained, repeal any former Act or Acts or any part thereof, all which said last mentioned Act or Acts shall remain and continue so repealed.

Repeal of sect. 15 of Act of U. C.

2 G. 4, c. 1,—

Sects. 23, 42, 185 and 300 of 19, 20 V. c. 43, and part of sect. 48,—

And all enactments inconsistent with this Act.

23. The provisions of this Act shall come into operation on the first day of September, in the year of our Lord one thousand eight hundred and fifty-eight.

Commencement of this Act.

24. In citing this Act in any instrument, document or proceeding, it shall be sufficient to use the expression, "The Act for the abolition of Imprisonment for debt."

Short Title.

25. The word "County," wherever it occurs in this Act, shall include any Union of Counties for judicial purposes.

Interpretation.

C A P. X C V I I .

An Act to amend the Law of *Scire Facias* in Upper Canada.

[Assented to 16th August, 1858.]

WHEREAS the Writ of *Scire Facias* to repeal Letters Patent, or to make void grants or other matter of Record under the Great Seal, is an original Writ which in England is issuable from the Court of Chancery, founded on the record of the Letters Patent, grant or other matter of Record enrolled in

Preamble.

the said Court ; And whereas owing to the constitution of the Court of Chancery of Upper Canada, there is not as in England an enrolment therein of Letters Patent, grants or other matter of Record under the Great Seal, and the jurisdiction of the Court of Chancery in Upper Canada to issue Writs of *Scire Facias* for the purposes aforesaid is doubtful : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Court of Chancery and Superior Courts may issue Writs of *Scire Facias* in the same manner, &c., as the Court of Chancery in England.
Proviso.

1. Notwithstanding the want of enrolment, it shall be lawful for the Court of Chancery in Upper Canada, or for either of the Superior Courts of Common Law of Upper Canada, to issue Writs of *Scire Facias* to repeal Letters Patent, grants or other matter of Record under the Great Seal, in the same manner and under the same restrictions, as near as may be, as such Writs are now issuable from the Court of Chancery in England ; and all the proceedings thereafter shall be, as near as may be, the same as in England. Provided that nothing herein contained shall be taken to alter or in any wise affect any thing contained in an Act of the Province of Upper Canada, passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled, *An Act to establish a Court of Chancery in this Province.*

7 W. 4, c. 2.

Exemplification of Letters Patent, &c., to be filed, and fiat of Attorney General to be obtained before Writ issues.

2. Before the issue of any such writ of *Scire Facias*, it shall be necessary for the party making application for the same, in addition to the fiat of the Attorney General, to file in the Court from which the writ is to be issued an exemplification under the great seal of the Province of the Letters Patent, grant or other matter of record upon which the said Writ of *Scire Facias* is to be founded.

Judges to meet and make Rules and Orders under this Act.

3. For the more effectual carrying out of the provisions of this Act, it shall be lawful for the Judges of the said Court of Chancery and of the said Superior Courts of Common Law, or any six of them, of whom the Chancellor and the two Chief Justices shall be three, to make all such general rules and orders as in their judgment shall be necessary or proper for the effectual execution of this Act and of the intention and object thereof, and for that purpose to meet from time to time as occasion may require.

CAP. XCVIII.

An Act to amend the Law relating to petty trespasses in Upper Canada.

[Assented to 16th August, 1858.]

Preamble.

IN amendment of the Law relating to petty trespasses in Upper Canada : Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1.

1. Any person who shall unlawfully enter into, come upon, or pass through, or turn any Horses, Cattle, Sheep or Swine upon, or permit any such to go or range at large upon, or in any way trespass upon any land or premises whatsoever, being wholly or in part enclosed and being the property of any other person, shall be liable to a penalty of not less than one dollar nor more than ten dollars for every such offence, irrespective of any damage having or not having been occasioned thereby; and such penalty may be recovered with costs in every case of conviction before any one Justice of the Peace, who shall decide the matter in a summary way, and award costs in case of conviction, which may be had either on view, or on confession of the party complained against, or on the oath of one credible witness: Provided always that nothing herein contained shall extend to any case where the party trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of, or to any case within the meaning of the twenty-fourth section of the Act fourth and fifth Victoria, chapter twenty-six, for consolidating and amending the laws in this Province relative to malicious injuries to property.

No person to enter, or to allow his cattle, &c., to enter on the land of another without permission.

Penalty for so doing; and how recoverable.

Proviso.

2. Any person found committing any such trespass as aforesaid, may be apprehended without a warrant by any Peace Officer, or the owner of the property on which it is committed, or the servant, or any person authorized by him, and forthwith taken to the nearest Justice of the Peace, to be dealt with according to law.

Proprietor or his servant may arrest trespasser without warrant, and bring him before a Justice.

3. Except as herein otherwise provided, all proceedings under this Act shall be subject to and in accordance with the provisions of the Act passed in the Session held in the sixteenth year of Her Majesty's Reign, chapter one hundred and seventy-eight, intituled, *An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions in Upper Canada, with respect to summary convictions and orders*, which shall apply to cases arising under this Act.

Provisions of Act 16 V. c. 178, to apply to proceedings under this Act.

4. Nothing in this Act contained shall authorize or be construed to authorize any Justice of the Peace to hear and determine any case of trespass in which the title to any land, or any interest therein or accruing thereupon, shall be called in question or affected in any manner howsoever; but every such case of trespass shall be dealt with according to law in the same manner, in all respects, as if this Act had not been passed.

Justice of the Peace not to try titles to land under colour of this Act.

5. This Act shall extend to Upper Canada only.

Extent of Act.

C A P . X C I X .

An Act respecting the Municipal Institutions of Upper Canada.

[Assented to 16th August, 1858.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Commencement of Act.

1. This Act shall come into force on the first day of December, one thousand eight hundred and fifty-eight.

EXISTING INSTITUTIONS

CONTINUED.

Municipal Corporations.

2. The Inhabitants of every County, City, Town, Village, Township, Union of Counties and Union of Townships incorporated at the time this Act takes effect, shall continue to be a Body Corporate, and every Police Village then existing shall continue to be a Police Village, with the Municipal boundaries of every such Corporation and Police Village respectively then established.

Police Villages.

3. The Trustees of every Police Village existing when this Act takes effect, shall be deemed the Trustees respectively of every such Village as continued under this Act.

NAMES AND GOVERNING BODY.

1.—CORPORATIONS.

Names of Corporations.

4. The name of every Body Corporate continued, or erected under this Act, shall be *The Corporation of the County, City, Town, Village, Township, or United Counties, or United Townships* (as the case may be) of (naming the same.)

Name of Provisional Corporations.

5. The Inhabitants of every Junior County upon a Provisional Council being or having been appointed for the County, shall be a Body Corporate under the name of *The Provisional Corporation of the County* of (naming it.)

The Councils to govern.

6. The powers of every Body Corporate under this Act, shall be exercised by the Council thereof.

2.—POLICE VILLAGES.

Trustees in Police Villages to govern.

7. The Police regulations of every Police Village, shall be enforced through the Police Trustees.

NEW MUNICIPALITIES.

COUNTIES AND TOWNSHIPS.

8. The Inhabitants of every County or Union of Counties erected by Proclamation into an independent County or Union of Counties, and of every Township or Union of Townships erected into an independent Township or Union of Townships, and of every locality erected into a City, Town or Incorporated Village, and of every County or Township separated from any Incorporated Union of Counties or Townships, and of every County or Township or of the Counties or Townships if more than one, remaining of the Union after the separation, being so erected or separated after this Act takes effect, shall be a body Corporate under this Act.

Extension of Corporate Municipalities.

NEW POLICE VILLAGES.

9. On the Petition of any of the Inhabitants of an unincorporated Village, the Council or Councils of the County or Counties within which the village is situate, may, by By-law, erect the same into a Police Village, and assign thereto such limits as may seem expedient.

New Police Villages.

NEW INCORPORATED VILLAGES.

10. When the census returns of an unincorporated Village with its immediate neighbourhood, taken under the direction of the Council or Councils of the County or Counties in which the Village and its neighbourhood are situate, shew that the same contain over seven hundred and fifty inhabitants, and when the residences of such inhabitants are sufficiently near to form an incorporated Village, then, on petition, by not less than one hundred resident freeholders and householders of the village and neighbourhood, the Council or Councils of the County or Counties in which the Village and neighbourhood are situate shall, by By-law, erect the Village and neighbourhood into an incorporated Village, apart from the Township or Townships in which the same are situate, by a name and with boundaries to be respectively declared in the By-law, and shall name in the By-law the place for holding the first Election, and the Returning Officer who is to hold the same.

When population 750, County Council may by By-law incorporate new Villages and name place for 1st election, and a returning officer.

11. When the newly incorporated Village lies within two or more Counties, the Councils of the Counties shall, by By-law, annex the Village to one of the Counties; and if within six calendar months after the petitions for the incorporation of the Village are presented, the Councils do not agree to which County the Village shall be annexed, the Wardens of the Counties shall memorialize the Governor in Council, setting forth the grounds of difference between the Councils; and thereupon the Governor shall, by Proclamation, annex the Village to one of such Counties.

When the Village lies within two counties, how to be annexed to one of them by the Councils or Governor;

When by the Governor.

12. In case the Wardens do not within one month next after the expiration of the six months memorialize the Governor as aforesaid, then one hundred of the freeholders and householders on the census list may petition the Governor to settle the matter, and thereupon the Governor shall, by Proclamation, annex the incorporated Village to one of the said Counties.

Additions to Villages by Governor.

13. In case the Council of an Incorporated Village petitions the Governor to add to the boundaries thereof, the Governor may, by Proclamation, add to the Village any part of the localities adjacent, which from the proximity of streets or buildings therein, or the probable future exigencies of the Village, it may seem desirable to add thereto.

ERECTION OF VILLAGES INTO TOWNS, AND TOWNS INTO CITIES.

Towns and Cities how formed.

14. A Census of any Town or incorporated Village, may at any time be taken under the authority of a By-law of the Council thereof.

Town containing over fifteen thousand Inhabitants may be made a City; and Village containing over three thousand a Town.

15. When it appears by the Census return taken under any Act of Parliament, or under any such By-law, that a Town contains over fifteen thousand Inhabitants, the Town may be erected into a City; And when it appears by the return, that an Incorporated Village contains over three thousand inhabitants, the Village may be erected into a Town: But the change shall be made by means of and subject to the following proceedings and conditions:

1st—Notice to be given.

Firstly—In case the Council of the Town or Village, for three months after the Census return, inserts a notice in some newspaper published in the Town or Village, or, if no newspaper is published therein, then in case the Council has for three months posted up a notice in four of the most public places in the Town or Village, and inserted the same in a newspaper published in the County in which the Town or Village is situate, setting forth in the notice the intention of the Council to apply for the erection of the Town into a City, or of the Village into a Town, and stating the limits intended to be included therein;

2nd—Proof of publication of notice and of census.

Secondly—And in case the Council applying proves the publication to the Governor in Council, and procures the census returns to be certified to him under the signature of the Head of the Corporation and under the Corporate Seal;

3rd—Proclamation in the case of a Village.

Thirdly—Then, in the case of a Village, the Governor may, by Proclamation, erect the Village into a Town by a name to be given thereto in the Proclamation;

Fourthly—

Fourthly—And in case the application is for the erection of a Town into a City,—if the Town has moreover paid to the County of which it formed part, such portion, if any, of the debts of the County as may be just, or if the Council of the Town has agreed with the Council of the County as to the amount to be so paid, and the periods of payment with interest from the time of the erection of the new City, or in case of disagreement if the same has been determined (as it shall be) by arbitration under this Act; and if the Council proves to the Governor in Council the payment, agreement or arbitration;

4th—Existing debts to be adjusted.

Fifthly—Then, the Governor may, by Proclamation, erect the Town into a City, by a name to be given thereto in the Proclamation.

5th—Governor may proclaim such City a Town.

16. The Governor may include in the new Town or City such portions of any Township or Townships adjacent thereto and within the limits mentioned in the aforesaid notice as, from the proximity of streets or buildings, or the probable future exigencies of the new Town or City, the Governor in Council may consider it desirable to attach thereto.

Extension of limits of such Town or City.

17. The Governor may divide the new Town or City into Wards with appropriate names and boundaries, but no Town shall have less than three Wards, and no Ward less than five hundred inhabitants.

Wards.

18. In case any tract of land so attached to the Town or City belonged to another County, the same shall thenceforward for all purposes cease to belong to such other County, and shall belong to the same County as the rest of the Town or City.

Lands detached from Counties.

NEW DIVISION OF WARDS IN CITIES AND TOWNS.

19. In case two thirds of the Members of the Council of a City or Town, do in Council before the Fifteenth day of July in any year, pass a resolution affirming the expediency of a new division into Wards being made of the City or Town, or of a part of the same, either within the existing limits or with the addition of any part of the localities adjacent, which from the proximity of streets or buildings therein, or the probable future exigencies of the City or Town, it may seem desirable to add thereto respectively, the Governor may, by proclamation, divide the City or Town, or such part thereof into Wards, as may seem expedient, and may add to the City or Town any part of the adjacent Township or Townships, which the Governor in Council on the grounds aforesaid considers it desirable to attach thereto.

New division of Wards in Cities and Towns.

LIBERTIES IN CITIES ABOLISHED.

20. There shall be no liberties or outer Wards in Cities. No liberties.

EXISTING BY-LAWS CONTINUED.

By-laws to continue in Cities, Towns and Villages.

When not to be repealed.

21. When a Village has been incorporated, or an incorporated Village or Town has been with or without additional area, erected into a Town or City, the By-laws in force therein respectively shall continue in force until repealed or altered by the Council of the new Corporation. But no such By-laws shall be repealed or altered unless they could have been or can be legally repealed or altered by the Council which passed the same.

When the limits of a Municipality are extended.

22. When an addition is made to the limits of a Municipality, the By-laws of the Municipality shall extend to the additional limits, and the By-laws of the Municipality from which the same has been detached shall cease to apply to the addition, except only By-laws relating to roads and streets, and these shall remain in force until repealed by By-laws of the Municipality added to.

LIABILITY TO DEBTS TO CONTINUE.

Liability to debts to continue.

23. In case of the formation of an incorporated Village, or of the erection of an incorporated Village into a Town, or of a Town into a City, the Village, Town or City shall remain liable to all the debts and liabilities to which the Village or Town was previously liable, in like manner as if the same had been contracted or incurred by the new Municipality.

And in case of an extension of limits.

24. After an addition has been made to a Village, Town or City, the Village, Town or City shall pay to the Township or County from which the additional tract has been taken, such part (if any) of the debts of the Township or County as may be just; and in case the Councils do not, within three months after the first meeting of the Municipality to which the addition has been made, agree as to the sum to be paid, or as to the time of payment thereof, the matter shall be settled by arbitration under this Act.

COUNCILS AND OFFICERS TO CONTINUE.

Former councils and officers to exercise jurisdiction over new Municipalities, &c, until new councils are organized.

25. When any place is erected into an incorporated Village, or an incorporated Village into a Town, or a Town into a City, the Council and the members thereof having authority in the place or Municipality immediately before such erection, shall, until the Council for the newly erected Corporation is organized, continue to have the same powers as before; and all other Officers and Servants of the place or Municipality shall, until dismissed, or until successors are appointed, continue in their respective offices, with the same powers, duties and liabilities as before.

WITHDRAWAL

WITHDRAWAL OF TOWNS FROM THE JURISDICTION OF THE COUNTY.

26. The Council of any Town may pass a By-law to withdraw the Town from the jurisdiction of the Council of the County within which the town is situated, upon obtaining the assent of the electors of the Town to the By-law in manner provided by this Act, subject to the following provisions and conditions:

Town may be withdrawn from jurisdiction of County by By-law on certain conditions.

1. After the final passing of the By-law, the amount which the Town is to pay to the County for the expenses of the administration of Justice and the use of the Gaol, as well as for the then existing debt of the County, if not mutually agreed upon, shall be ascertained by arbitration under this Act; and the agreement or award shall distinguish the amounts to be annually paid for the said expenses, and for the then debt of the County, and the number of years the payments for the debt are to continue;

Amount to be paid by Town towards expenses of administration of justice to be settled.

2. In adjusting their award, the arbitrators shall, among other things, take into consideration the amount previously paid by the Town, or which the Town may be then liable to pay, for the construction of roads or bridges by the County, without the limits of the town; and also what the County may have paid, or be liable to pay, for the construction of roads or bridges within the Town; and they shall also ascertain and allow to the Town the value of its interest in all County property except roads and bridges within the Town;

Matters to be considered in settling the same.

3. When the agreement or award has been made, a copy of the same and of the By-law, duly verified by affidavit, shall be transmitted to the Governor, who shall thereupon issue his proclamation withdrawing the Town from the jurisdiction of the Council of the County;

Copy of agreement to be sent to the Governor.
Proclamation.

4. After the proclamation has been issued, the offices of Reeve and Deputy Reeve of the Town shall cease; and no By-law of the Council of the County shall have any force in the Town, except so far as relates to the care of the Court House and Gaol, and other County property in the Town; and the Town shall not thereafter be liable to the County for, or be obliged to pay to the County or into the County Treasury, any money for County debts or other purposes, except such sums as may be agreed upon or awarded as aforesaid;

Effect of such Proclamation.

5. In case after the agreement or award the Council of the County ceases to pay jurymen for their attendance at Court, or passes a By-law to pay them, if no such By-law existed at the time of the agreement or award, the agreement or award, so far as the same relates to the amount thereby agreed or directed to be paid by the Town to the County for jury expenses, shall cease

As to payment of Jurors.

cease and be void, and a new agreement or award shall be made, to ascertain what amount shall thereafter be paid by the Town to the County for such purposes ;

New agreement after five years.

6. After the lapse of five years from the time of the agreement or award, or such shorter time as may be stated in the agreement or award, a new agreement or a new award may be made, to ascertain the amount to be paid by the Town to the County for the expenses of the administration of Justice ;

Property after withdrawal.

7. After the withdrawal of a Town from the County, all property theretofore owned by the County, except Roads and Bridges within the Town, shall remain the property of the County.

TOWNSHIPS.

ERECTION OF NEW TOWNSHIPS.

New Townships beyond the limits of Incorporated Counties may be attached thereto by proclamation.

27. In case a Township is laid out by the Crown in territory forming no part of an Incorporated County, the Governor may by proclamation erect the Township, or two or more of such Townships lying adjacent to one another, into an Incorporated Township or Union of Townships, and annex the same to any adjacent Incorporated County ; and the proclamation shall appoint the Returning Officer who is to hold, and the place for holding, the first Election in the Township or Union of Townships.

SEPARATION OF UNITED TOWNSHIPS.

Junior Township containing 100 freeholders, &c., to become a separate Municipality.

28. When a Junior Township of an incorporated Union of Townships has one hundred resident freeholders and householders on the assessment-roll as last finally revised and passed, such Township shall, upon the first day of January then next thereafter, become separated from the Union.

When Junior Township containing less than 100, but exceeding 50, it may be separated, and how.

29. In case a Junior Township had at least fifty but less than one hundred resident freeholders and householders on the last revised assessment-roll, and two thirds of the resident freeholders and householders of the Township, petition the Council of the County to separate the Township from the Union to which it belongs ; and in case the Council considers the Township to be so situated, with reference to streams or other natural obstructions, that its inhabitants cannot conveniently be united with the inhabitants of an adjoining Township for Municipal purposes,—the Council may, by By-law, separate the same from the Union ; and the By-law shall name the Returning Officer who is to hold, and the place for holding, the first Election under the same.

ANNEXATION OF GORES.

30. The Governor may, by Proclamation, annex to any Township, or partly to each of more Townships than one, any Gore or small tract of land lying adjacent thereto and not forming part of any Township, and such Gore or tract shall thenceforward for all purposes form part of the Township to which it is annexed.

The Governor may annex Gores to adjacent Townships.

ANNEXATION OF NEW TOWNSHIPS.

31. In case a Township is laid out by the Crown in an incorporated County or Union of Counties; or in case there is any Township therein not incorporated and not belonging to an incorporated Union of Townships,—the Council of the County or United Counties shall, by By-law, unite such Township for Municipal purposes, to some adjacent incorporated Township or Union of Townships in the same County, or Union of Counties, and if such adjacent Township or adjacent Union is divided into Wards, then also to one Ward or partly to each of two or more Wards thereof.

New Townships, &c., within the limits of Incorporated Counties, to be united to adjacent Townships, and how.

32. In case of there being at any time in an incorporated County or Union of Counties two or more adjacent Townships not incorporated and not belonging to an incorporated Union of Townships; and in case such adjacent Townships have together not less than one hundred resident freeholders and householders within the same,—the Council of the County or Union of Counties may, by By-law, form such Townships into an independent Union of Townships.

Townships not incorporated or united may be formed into unions, and how.

33. In case the united Townships are in different Counties, the By-law shall cease to be in force whenever the union of the Counties is dissolved.

Townships in different Counties.

SENIORITY OF TOWNSHIPS.

34. Every Proclamation or By-law forming a Union of Townships shall designate the order of seniority of the Townships so united, and the Townships of the Union shall be classed in the By-law according to the relative number of freeholders and householders on the last revised assessment-roll.

Seniority of Townships how regulated.

COUNTIES.

NEW COUNTIES.

35. The Governor may, by Proclamation, form into a new County, any new Townships not within the limits of an Incorporated County, and may include in the new County one or more unincorporated Townships or other adjacent unorganized Territory, (defining the limits thereof) not being

New Counties how formed by proclamation and annexed or united.

being within an Incorporated County, and may annex the new County to any adjacent Incorporated County ; or in case there is no adjacent Incorporated County, or in case the Governor in Council considers the new County, or any number of such new Counties lying adjacent to one another and not belonging to an Incorporated Union, so situated that the Inhabitants cannot conveniently be united with the inhabitants of an adjoining Incorporated County for Municipal purposes, the Governor may, by the Proclamation, erect the new County, or new adjacent Counties, into an independent County or Union of Counties for the said purposes, and the Proclamation shall name the new County or Counties.

SENIORITY OF.

Seniority of United Counties how regulated.

36. In every Union of Counties, the County in which the County Court House and Gaol are situate, shall be the Senior County, and the other County or Counties of the Union shall be the Junior County or Counties thereof.

LAWS APPLICABLE TO

Laws applicable to unions of Counties.

37. During the Union of Counties, all Laws applicable to Counties (except as to representation in Parliament and Registration of Titles) shall apply to the Union as if the same formed but one County.

VENUE IN.

Venue how laid in unions of Counties.

38. In the case of United Counties, the Venue in any Judicial proceedings shall be laid in the proper County of the Union (naming it) and describing it as one of the United Counties of , and in such case the Jury for the trial of any issue, Civil or Criminal, or the assessment of any damages, shall be summoned from the body of the United Counties.

ERECTION OF PROVISIONAL CORPORATIONS AND SEPARATION OF JUNIOR COUNTIES.

PRESIDING MEMBER—FIRST MEETING—COUNTY TOWN.

Provisional separation of United Counties by Proclamation appointing place of meeting and presiding officer.

39. When the Census Returns taken under an Act of Parliament, or under the authority of a By-law of the Council of any United Counties, show that the Junior County of the Union contains not less than fifteen thousand inhabitants, then, if a majority of the Reeves and Deputy Reeves of such County do, in the month of February in two successive years, pass a resolution affirming the expediency of the County being separated from the Union ; and if in the month of February in the following or third year, a majority of the Reeves transmit to the Governor in Council a petition for the separation, and if the Governor deems the circumstances of the Junior County such

such as to call for a separate establishment of Courts and other County institutions, he may, by Proclamation setting forth those facts, constitute the Reeves and Deputy Reeves for the County a Provisional Council, and in the Proclamation appoint a time and place for the first meeting of the Council, and therein name one of its Members to preside at the meeting, and also, therein determine the place for and the name of the County Town.

40. The Member so appointed shall preside in the Council until a Provisional Warden has been elected by the Council from among the members thereof. Who to preside till Warden chosen.

PROVISIONAL OFFICERS.

41. Every Provisional Council shall from time to time appoint a Provisional Warden, a Provisional Treasurer, and such other Provisional Officers for the County as the Council deems necessary. Appointment of Provisional Warden, &c.

42. The Provisional Warden shall hold office for the Municipal year for which he is elected. His term of office ;

43. The Treasurer and other Officers so appointed shall hold Office until removed by the Council. And of Treasurer, &c.

PURCHASE OF PROPERTY.

44. Every Provisional Council may acquire the necessary property at the County Town of the Junior County on which to erect a Court House and Gaol, and may erect a Court House and Gaol thereon, adapted to the wants of the County and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass By-laws for such purposes. Provisional Councils may acquire lands for Gaols and Court Houses.

POWERS OF THE UNION NOT TO BE INTERFERED WITH.

45. The powers of a Provisional Council shall not interfere with the powers of the Council of the Union, and any money raised by the Provisional Council in the Junior County shall be independent of the money raised therein by the Council of the Union. Powers of Provisional Council not to interfere with powers of the union.

DEBTS OF THE UNION.

46. After a Provisional Council has procured the necessary property and erected thereon the proper buildings for a Court House and Gaol, the Council may enter into an agreement with the Senior or remaining County or Counties for payment to such County or Counties of any part of the debts of the Union as may be just, and for determining the amount to be so paid and the times of payment. Agreement as to debts upon dissolution.

When Provisional Councilors shall not vote.

47. No Member of the Provisional Council shall vote or take any part in the Council of the Union on any question affecting such agreement or the negotiation therefor.

Arbitration.

Payment of debts upon dissolution.

Debt to bear interest.

48. In case the Councils do not then agree as to the amount or periods of payment, the matter shall be settled between them by Arbitration under this Act; And the Junior County shall pay to the Senior or remaining County or Counties of the Union the amount so agreed upon or settled, and such amount shall bear interest from the day on which the Union is dissolved, and shall be provided for, like other debts, by the Council of the Junior County after being separated.

GOVERNOR TO APPOINT JUDGES, &c.

Terms and time of separation.

Judge, &c.

49. After the sum to be paid by the Junior County to the Senior or remaining County or Counties has been paid or ascertained by agreement or arbitration, the Governor in Council shall appoint for the Junior County, a Judge, a Surrogate, a Sheriff, one or more Coroners, a Clerk of the Peace, a Registrar, and at least twelve Justices of the Peace, and shall provide, in the Commission or Commissions, that the appointments are to take effect on the day the Counties become disunited.

Registrar.

50. The Office for the Registry of Deeds shall be kept in the County Town in like manner as in other Counties.

WHEN A JUNIOR COUNTY MAY BE SEPARATED.

United Counties, when and how to be separated by Proclamation.

Property how divided.

51. After such appointments are made, the Governor shall, by proclamation, separate the Junior County from the Senior or remaining County or Counties, and shall declare such separation to take effect on the first day of January next after the end of three calendar months from the date of the Proclamation; and on that day the Courts and officers of the Union shall cease to have any Jurisdiction in the Junior County; and the property of the Corporation of the Union situate in the Junior County shall become the property of the Corporation of the Junior County, and the property situate in the remaining County or United Counties shall be the property of the Corporation of the remaining County or United Counties.

VENUE.

Place of trials after dissolution of unions, to be as ordered by the Court or a Judge.

52. If upon the dissolution of a Union of Counties, there is pending an action, information, indictment or other Judicial proceeding in which the Venue is laid in a County of the Union, the Court in which the action, information or indictment is pending, or any Judge who has authority to make orders therein may, by consent of parties, or on hearing the parties upon affidavit, order the Venue to be changed

changed to the new County, and all records and papers to be transmitted to the proper officers of such County, and in the case of any such indictment found at any Court of Oyer and Terminer and General Gaol Delivery, any Judge of either of the Superior Courts of Common Law, may make the order.

53. In case no such change is directed, all such actions, informations, indictments and other judicial proceedings shall be carried on and tried in the Senior County. If no special order is made.

COURTS IN.

54. All Courts of the Junior County required to be held at a place certain, shall be held in the County Town of the Junior County. Place for holding Courts after separation.

PERSONS IN PRISON.

55. Any person charged with an Indictable offence who, at the time of the disuniting of a Junior from a Senior County, is imprisoned on the charge in the Gaol of the Senior County, or is under Bail or Recognizance to appear for Trial at any Court in the Senior County, and against whom no indictment has been found before the disunion takes place, shall be indicted, tried and sentenced in the Senior County, unless a Judge of one of the Superior Courts of Common Law orders the proceedings to be conducted in the Junior County, in which event the prisoner or recognizances (as the case may be) shall be removed to the latter County and the proceedings shall be had therein; and when in any such case the offence is charged to have been committed in a County other than that in which such proceedings are had, the venue may be laid in the proper County describing it as formerly "one of the United Counties of, &c." Indictable offences how to be disposed of.

PERSONS ON BAIL.

56. Any person arrested or held to Bail under Civil Process, before the separation of a Junior from a Senior County, and liable to be imprisoned, shall be so imprisoned in the Gaol of the County in which he was arrested; and all proceedings in any Suit or Action in which any person was so arrested or held to Bail, and all proceedings after judgment founded upon the Arrest or holding to Bail, shall be carried on as if the Arrest or holding to Bail had taken place in such County as a separate County; and in case the proceedings are to be had in the Junior County, all the records and papers relative to the case shall be transmitted to the proper Officer of the Junior County. Proceedings in Civil cases under Bail-able process.

PERSONS ON THE GAOL LIMITS.

57. In case a debtor or other person has been (in manner prescribed by law) admitted to the Gaol limits of a Union of Counties, Privileges of persons admitted.

ted to gaol
limits saved
on dissolution.

Countries, and the Union is afterwards dissolved, or one or more Counties are separated from the Union, such debtor or person may notwithstanding travel and reside in any portion of the Counties as if no dissolution or separation had taken place, without committing a breach of any Bond or the condition thereof, or a forfeiture of any security given for the purpose of obtaining the benefit of such limits; and in case any such person after the dissolution of the Union is surrendered or ordered to be committed to close custody, he shall be surrendered or committed to the Sheriff of the County in which he was arrested and be imprisoned in the Gaol thereof.

WHEN PROVISIONAL COUNCILS, OFFICERS, &C., TO BECOME
ABSOLUTE.

Officers and
property, &c.,
continued.

58. When a junior County is separated from a Union of Counties, the Head and members of the Provisional Council of the junior County, and the officers, by-laws, contracts, property, assets and liabilities of the Provisional Corporation, shall be the Head and members of the Council, and the officers, by-laws, contracts, property, assets and liabilities of the new Corporation.

BY-LAWS, DEBTS AND RATES OF FORMER UNIONS OF COUN-
TIES OR TOWNSHIPS AFTER BEING DISSOLVED.

By-laws to
continue in
Counties and
Townships.

59. When a junior County or Township is separated from a senior County or Township, the By-laws of the Union shall continue in force in the several Counties or Townships which composed the Union until altered or repealed by the Council or Councils of the same respectively.

Upon dissolu-
tion of Town-
ship unions,
the Junior to
pay a just por-
tion of the
debts of the
Union: and
disposition of
property of
the Union.

60. After the dissolution of a Union of Townships, the following shall be the disposition of the property of the Union:

1. The real property of the Union situate in the Junior Township, shall become the property of the Junior Township;
2. The real property of the Union situate in the remaining Township or Townships of the Union, shall be the property of the remaining Township or Townships;

Joint interest
in assets.

3. The two Corporations shall be jointly interested in the other assets of the Union, and the same shall be retained by the one, or shall be divided between both, or shall be otherwise disposed of, as they may agree;

Arrangement
as to debts.

4. The one shall pay or allow to the other, in respect of the said disposition of the real and personal property of the Union, and in respect to the debts of the Union, such sum or sums of money as may be just;

5. In case the Councils of the Townships do not within three months after the first meeting of the Council of the junior Township, agree as to the disposition of the personal property of the Union, or as to the sum to be paid by the one to the other, or as to the times of payment thereof, the matter shall be settled by Arbitration under this Act ;

How to be determined.

6. The amount so agreed upon or settled shall bear interest from the day on which the Union was dissolved ; and shall be provided for by the Council of the indebted Township like other debts.

To bear Interest.

61. In case of the separation of a County or Township from a Union of Counties or Townships, each County or Township which formed the Union shall remain subject to the debts and liabilities of the Union as if the same had been contracted or incurred after the dissolution by the respective Counties or Townships which constituted the Union.

Liability of Unions for debts at the time of dissolution.

62. After the dissolution, the Council of the senior or remaining County or Township shall issue its debentures or other obligations for any part of any debt contracted by the Union for which debentures or other obligations might have been but had not been issued before the dissolution ; and such debentures or obligations shall recite or state the liability of the junior County or Township therefor under this Act ; and the Junior County or Township shall be liable thereon as if the same had been issued by the Junior County or Township.

Debentures to issue for such debts, and to bind the old and new Municipalities.

63. All assessments imposed by the Council of the Union for the year next before the year in which the dissolution takes effect, shall belong to the Union and shall be collected and paid over accordingly, and after the dissolution, all special rates for the payment of debts theretofore imposed by any By-law of the Union, shall continue to be levied in the junior County or Township ; and the Treasurer of the junior County or Township shall pay over the amount as received to the Treasurer of the senior County or Township, and the latter shall apply the money so received in the same manner as the money raised under the same By-law in the senior County or Township.

Assessments for year preceding dissolution, who to belong to.

Special rates for debts continued to be paid over by Treasurer of the Junior County.

64. In case the amount so paid over to the Senior County or Township, or to any creditor of the Senior County or Township in respect of a liability of the Union, exceeds the sum which, by the agreement or award between the Councils, the junior County or Township ought to pay, the excess may be recovered against the senior or remaining County or Township as for money paid or as for money had and received, as the case may be.

If the sum paid over exceeds the just amount, the excess to be refunded.

MUNICIPAL COUNCILS, &c., OF WHOM COMPOSED.

THE HEADS.

65. The Head of every County and Provisional Corporation shall be designated the Warden thereof, and of every City and Town

Heads of Counties, &c.

Town the Mayor thereof, and of every Township and Incorporated Village the Reeve thereof.

THE MEMBERS.

1.—IN CITIES.

Cities. 66. The Council of every City shall consist of the Mayor who shall be the Head thereof, and of two Aldermen and two Councilmen for every Ward ;

2.—IN TOWNS.

Towns. The Council of every Town shall consist of the Mayor who shall be the Head thereof, and of three Councillors for every Ward, and if the Town has not withdrawn from the jurisdiction of the Council of the County in which it lies, one of the Councillors of the Town shall be elected by the Council to be Reeve of the Town, and if the Town had the names of five hundred resident freeholders and householders on the last revised assessment-roll, then one other of the Councillors to be Deputy Reeve ;

3.—IN INCORPORATED VILLAGES.

Incorporated Villages. The Council of every Incorporated Village shall consist of five Councillors, one of whom shall be Reeve, and if the Village had the names of five hundred resident freeholders and householders on the last revised assessment-roll, then one other of the Councillors shall be Deputy Reeve ;

4.—IN TOWNSHIPS.

Townships and Wards. The Council of every Township shall consist of five Councillors ; but when the Township is divided into Wards, then, of one Councillor for each Ward, one of which Councillors shall be Reeve, and if the Township had the names of five hundred resident freeholders and householders on the last revised assessment-roll, then one other of the Councillors shall be Deputy Reeve ;

5.—IN COUNTIES.

Counties. And the Council of every County shall consist of the Reeves and Deputy Reeves of the Townships and Villages within the County, and of any Towns within the County which have not withdrawn from the jurisdiction of the Council of the County ; and one of the Reeves or Deputy Reeves shall be the Warden.

County Councils. 67. No Reeve or Deputy Reeve shall take his seat in the County Council until he has filed with the Clerk of the County Council a Certificate under the hand and seal of the Township, Village or Town Clerk, that such Reeve or Deputy Reeve was duly elected, and made and subscribed the declarations of office and qualification, (unless exempted therefrom,) as such Reeve or Deputy Reeve ; nor in the case of a Deputy Reeve, until

Certificates to be filed by Reeves and Dpty. Reeve.

until he has also filed with the Clerk of the County an affidavit or affirmation of the Clerk, or other person having the legal custody of the last revised Assessment-Rolls for the Municipality which he represents, that there appear upon such Rolls the names of at least five hundred resident Freeholders and Householders in the Municipality.

68. The Trustees of every Police Village shall be three in number, one of whom shall be the Inspecting Trustee.

Trustees of Police Villages.

PROVISIONAL COUNCILS,

WHO TO COMPOSE.

69. The Reeves and Deputy Reeves of the Municipalities within a Junior County for which a Provisional Council is established, shall, *ex officio*, be the members of the Provisional Council.

Provisional Council, Reeves and Dpty. Reeves to be.

QUALIFICATION OF MUNICIPAL COUNCILLORS AND POLICE TRUSTEES.

70. The persons qualified to be elected Mayors, members of a Council or Police Trustees, are such residents of the County within which the Municipality or Police Village is situate as are not disqualified under this Act, and have, at the time of the election, in their own right or in the right of their wives, as proprietors or tenants, freehold or leasehold property rated in their own names on the last revised Assessment-Roll of such Municipality or Police Village to at least the value following :

Qualification of Councillors, &c ;

In Townships—Freehold to four hundred dollars or Leasehold to eight hundred dollars ;

In Townships ;

In Police Villages—Freehold or Leasehold to four hundred dollars ;

In Police Villages ;

In Incorporated Villages—Freehold to forty dollars per annum, or Leasehold to eighty dollars per annum ;

In Incorporated Villages ;

In Towns—Freehold to Eighty dollars per annum, or Leasehold to One hundred and sixty dollars per annum ;

In Towns ;

And in Cities—for Aldermen—Freehold to One hundred and sixty dollars per annum, or Leasehold to Three hundred and twenty dollars per annum : and for Councilmen—Freehold to Eighty dollars per annum or Leasehold to One hundred and sixty dollars per annum ;

In Cities.

And so in the same proportions in all Municipalities and Police Villages in case the property is partly freehold and partly leasehold.

As to property partly freehold.

The

"Leasehold"
defined.

The term "Leasehold" in this Section, shall not include a term less than a Tenancy for a year, or from year to year.

In new Town-
ship not hav-
ing assess-
ment-roll.

71. In case of a new Township erected by Proclamation for which there has been no Assessment-Roll, every person who at the time of the first election has such an interest in real property and to such an amount as herein before mentioned, shall be deemed to be possessed of a sufficient property qualification.

If only one
person be qua-
lified.

72. In case in a Municipality there are not at least two persons qualified to be elected for each seat in the Council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected.

DISQUALIFICATIONS.

Disqualifica-
tions.

73. No Judge of any Court of Civil Jurisdiction, no Gaoler or Keeper of a House of Correction, no Officer of any Municipality, no Bailiff of a Division Court, no Sheriff's Officer, no Innkeeper or Saloonkeeper, no person receiving any allowance from the Corporation (except as Mayor, Warden, Reeve, Deputy Reeve, or Township Councillor), and no person having by himself or his partner an interest in any contract with or on behalf of the Corporation, shall be qualified to be a Member of the Council of the Corporation.

EXEMPTIONS.

Exemptions.

74. All persons over sixty years of age ; all Members and Officers of the Legislative Council and of the Legislative Assembly ; all persons in the Civil Service of the Crown ; all Judges, not disqualified by the last preceding section, all Sheriffs and Coroners ; all persons in Priests' Orders, Clergymen and Ministers of the Gospel of every denomination ; all Members of the Law Society of Upper Canada, whether Barristers or Students ; all Attorneys and Solicitors in actual practice ; all Officers of Courts of Justice ; all Members of the Medical Profession, whether Physicians or Surgeons ; all Professors, Masters, Teachers and other Members of any University, College or School in Upper Canada, and all Officers and Servants thereof ; all Millers ; and all Firemen belonging to an authorized Fire Company—are exempt from being elected or appointed Councillors or to any other Corporate Office.

ELECTORS.

Electors,
qualification
of in Town-
ships, &c.,
having an as-
sessment-roll.

75. The Electors of every Municipality for which there is an assessment-roll, and the Electors of every Police village, shall be the male freeholders thereof, and such of the householders thereof as have been resident therein for one month next before the election, who are natural-born or naturalized subjects of Her Majesty,

Majesty, and of the full age of twenty-one years, and who were severally rated on the last revised assessment-rolls, for real property in the Municipality or Police village, held in their own right or that of their wives as proprietors or tenants.

76. In Cities, Towns and Incorporated Villages, such real property, whether freehold or leasehold, or partly each, must have been so rated as of at least the annual value following:

In Cities,
Towns, and
Incorporated
Villages.

In Incorporated Villages, Twelve dollars;

In Towns, Twenty dollars; and

In Cities, Thirty dollars.

77. At the first election for a newly erected Municipality for which there is no separate assessment-roll, every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has at the time of the election sufficient property to have entitled him to vote if he had been rated for such property; and every person so claiming to vote shall name the property on which he votes, and the Returning Officer, at the request of any Candidate or voter, shall note the property in his poll book opposite the voter's name.

In newly
erected Town-
ships not
having any
assessment-
rolls.

78. When a Municipality is divided into Wards or electoral divisions, no elector shall vote in more than one Ward or electoral division; and if entitled to vote in the Ward in which he resides, he shall not be entitled to vote in any other Ward or electoral division.

Wards in
which electors
shall vote.

79. In case both the owner and occupant of any real property are rated therefor, both shall be deemed rated within this Act.

When land-
lord and
tenant both
rated.

80. When any real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated.

When joint
owners rated
together.

ELECTIONS.

THE HOLDING OF, IN CERTAIN PLACES PROHIBITED.

81. No Election of Township Councillors shall be held within any City, Town or Incorporated Village, nor shall any Election for a Municipality or any Ward thereof be held in a tavern or house of public entertainment licensed to sell spirituous liquors.

Cities, Towns
&c., not to
form parts of
Townships.
Elections not
in Taverns.

FIRST ELECTIONS IN NEW OR EXTENDED MUNICIPALITIES.

First elections where Corporations are newly erected or extended.

82. (1.) In case of the Incorporation of a new Township or Union of Townships, and

(2.) In case of the separation of a junior Township from a Union of Townships, and

(3.) In case of the erection of a Police into an Incorporated Village, or of the erection of a Village into a Town or of a Town into a City, and

(4.) In case of an additional tract of land being added to an Incorporated Village, Town or City, or in case of a new division into Wards of a Town or City ;

Time of Elections.

(5.) In each of the foregoing cases, the first election under the Proclamation or By-law by which the change was effected, shall take place on the first Monday in January next after the end of three calendar months from the date of the Proclamation, or from the passing of the By-law by which the change is made, and until such day the change shall not go into effect.

SUBSEQUENT ELECTIONS.

Places of Elections.

83. Every Election shall be held in the Municipality or Police Village to which the same relates, and when the Municipality has been divided into Wards, the election shall be by Wards, and every Ward election shall be held within the Ward.

To be fixed by By-law for Municipalities.

84. The Council of every Municipality (including a Village newly erected into a Town, and a Town newly erected into a City) shall, from time to time by By-law, appoint the place or places for holding the next ensuing Municipal Election, otherwise the Election shall be held at the place or places at which the last Election for the Municipality or Wards was held.

Also for Police Villages.

85. The Council by which a Police Village is established shall, by the By-law establishing the same, name the place in the Village for holding the Election of Police Trustees.

Yearly elections of Councillors and Police Trustees.

86. The Electors of every Municipality (except a County) shall elect annually on the first Monday in January, the Members of the Council of the Municipality, and, on the second Monday in January, the Electors of every Police Village shall annually elect the Police Trustees of the Village, and the persons so elected shall hold office until their successors are elected or appointed and sworn into office, and the new Council or Board of Police Trustees is organized.

First Election in junior

87. When a junior Township of a Union has one hundred resident freeholders and householders on the last revised assessment-roll,

assessment-roll, the Council of the County shall, by a By-law to be passed before the thirty-first day of October, in the same year, fix the place for holding the first annual election of Councillors in the Township, and appoint a Returning Officer for holding the same, and otherwise provide for the due holding of the election according to law.

Township after separation.

88. In case of the separation of a Union of Townships, the existing division into Wards, if any, shall cease as if the same had been duly abolished by By-law, and the elections of Councillors shall be by general vote until the Township or Townships are again divided into Wards under the provisions of this Act.

Ward divisions in United Townships to cease on dissolution of Union.

89. When there is no division of a Township into Wards, the election of Councillors shall be by general vote, and shall be held at the place or places where the last election was held, or in such other place or places as may be from time to time fixed by By-law.

Where elections to be held in Townships not divided into Wards.

RETURNING OFFICERS.

90. The Council of every Municipality in which the election is to be by Wards or electoral divisions, shall from time to time by By-law appoint Returning Officers to hold the next ensuing elections.

Returning Officers to be appointed by the Municipal Council.

WHEN CLERKS TO BE (EX-OFFICIO) RETURNING OFFICERS.

91. In the case of a Municipality in which the election is not to be by Wards or electoral divisions, the Clerk shall be the Returning Officer at all elections after the first.

When Clerk to be ex officio Returning Officer.

RETURNING OFFICERS FOR THE FIRST ELECTION IN VILLAGES.

92. In every By-Law establishing a Police or Incorporated Village, a Returning Officer shall be appointed who is to hold the first election for such Village.

For first election in Villages.

93. In Police Villages, after the first election, the Trustees thereof, or any two of them, shall, from time to time, by writing under their hands, appoint the Returning Officer.

After first Election, Police Trustees to appoint.

IF RETURNING OFFICER ABSENT.

94. In case, at the time appointed for holding an election, the person appointed to be Returning Officer has died, or does not attend to hold the election within an hour after the time appointed, or in case no Returning Officer has been appointed, the electors present at the place for holding the election may choose from amongst themselves a Returning Officer, and such Returning Officer shall have all the powers, and shall forthwith

The absence of the Returning Officer provided for.

forthwith proceed to hold the election and perform all the other duties of a Returning Officer.

4.—THE RETURNING OFFICER TO BE A CONSERVATOR OF THE PEACE.

Returning Officers to be conservators of the peace.

95. The Returning Officer shall, during the election, act as a Conservator of the Peace for the City or County in which the election is held; and he, or any Justice of the Peace having jurisdiction in the Municipality in which the election is held, may cause to be arrested, and may summarily try and punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person who assaults, beats, molests or threatens any voter coming to, remaining at, or going from the election; and, when thereto required, all constables and persons present at the election, shall assist the Returning Officer or Justice of the Peace, on pain of being guilty of a misdemeanor.

5.—MAY SWEAR IN SPECIAL CONSTABLES.

Special Constables may be sworn in.

96. Every Returning Officer or Justice of the Peace may appoint and swear in any number of Special Constables to assist in the preservation of the peace and of order at the election; and any person liable to serve as Constable and required to be sworn in as a Special Constable by the Returning Officer or Justice shall, if he refuses to be sworn in or to serve, be liable to a penalty of twenty dollars, to be recovered to the use of any one who will sue therefor.

PROCEEDINGS AT ELECTIONS.

Elections how conducted.

97. The proceedings at Elections shall be as follow :

Notices.

1. Every Returning Officer shall, unless otherwise provided by law, give at least ten days' previous notice of the election to be held by him, by posting the notice in at least four public places in the Municipality, Ward, electoral division, or Police Village;

The clerk to deliver copies of the Assessment-Rolls to the Returning Officer.

2. The Clerk of the Municipality shall deliver to the Returning Officer who is to preside at the Election for the same, or for every or any Ward, or electoral division thereof, a correct copy of so much of the last revised Assessment-Roll for the Municipality, Ward, or electoral division as contains the names of all male Freeholders and Householders rated upon the Roll in respect of real property lying in the Municipality, Ward, or electoral division with the assessed value of the real property for which every such person is so rated;

With his declaration veri-

3. The Clerk shall deliver with such copy his solemn declaration, to the effect that the copy is a true copy of so much

much of the said Roll as relates to such Municipality, Ward or electoral division, and contains the names of all Male Freeholders and Householders rated upon the Roll in respect of real property lying in the Municipality, Ward or electoral division, with the assessed value of the real property for which they are so rated respectively ;

4. The Township Clerk shall also deliver to the Returning Officer who is to preside at the Election for any Police Village in the Township, a correct copy of so much of the said assessment-roll as contains the names of all the male freeholders and householders in the Village, and the amount for which they are respectively assessed, together with a like solemn declaration, verifying the same, as in the case of Municipal Elections ;

Township Clerk to deliver assessment-roll to Returning Officer for Police Villages.

5. The Returning Officer shall provide a poll-book ; and at every Election at which a poll is demanded, he, or his sworn poll-clerk, shall enter in such book, in separate columns, the names of the candidates proposed and seconded by any electors present at the Election, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in each column in which is entered the name of a candidate voted for by a voter, set the figure " 1 " opposite the voter's name ;

Poll book to be provided. Its contents.

6. The Returning Officer shall commence every Election at ten of the clock in the forenoon ;

Hour for commencing Elections.

7. The Returning Officer may close the Election in one hour after commencing the same, if within that time no more candidates are proposed than by his writ he is to return ; but in case there are more Candidates and a poll is demanded, he shall keep open the Election until four of the clock in the afternoon of the first day and then adjourn the same until ten of the clock in the forenoon of the next day, not being a Sunday, or a legal Holy-day, and continue the same till four of the clock in the afternoon thereof, and no longer ; but if in the meantime he sees that all the electors intending to vote have had a fair opportunity of being polled, and if one full hour at one time has elapsed without any qualified elector during that time giving or tendering his vote, free access having been allowed to electors for the purpose, the Returning Officer may close the Election at four o'clock of the first day, or at any earlier hour of the second day ;

Time of closing.

WHAT OATHS HE MAY ADMINISTER.

8. The Returning Officer may administer all oaths or affirmations necessary at the election ;

Returning Officer may administer oaths.

OATHS

OATHS AND QUESTIONS THAT MAY BE PUT TO ELECTORS.

The only oaths to be required of voters.

9. At any election, or at any public vote in respect of a By-law which requires the assent of the electors, the only oaths or affirmations to be required of any person claiming to vote, and appearing by the last revised assessment-roll (if any), to have the necessary property qualification, are, that he is of the full age of twenty-one years—and is a natural-born or naturalized subject of Her Majesty,—that he has been, if a householder, a resident within the Municipality for which the election is held, or vote taken, for one month next before the election, and that he has not before voted at the election or on the By-law (*as the case may be*); and that he is the person named in the last revised assessment-roll: (*or, in case of a new Municipality in which there has not yet been any assessment-roll*) that he is a resident freeholder or householder in (*naming the property entitling him to vote at the election*); and that he has not directly or indirectly received any reward or gift, nor does he expect to receive any, for the vote, which he tenders at this election. And such oaths shall be administered at the request of any candidate or elector. And no inquiries shall be made of any such person except with respect to the facts specified in such oaths or affirmations;

Returning Officer to declare result of the Election.

10. The Returning Officer shall, at the close of the poll, add up the number of votes set down for each candidate, (except for the office of Mayor in Cities and Towns,) and shall publicly declare the same, beginning with the candidate having the greatest number, and so on with the others, and shall thereupon publicly declare elected the candidate or candidates respectively standing highest on the Poll;

When to have casting vote.

11. In case two or more candidates have an equal number of votes, the Returning Officer, whether otherwise qualified or not, shall give a vote for one or more of such candidates, so as to decide the Election; and, except in such case, no Returning Officer shall vote at any Election held by him.

Poll-books to be returned to the clerk.

98. The Returning Officer shall, within three days after the close of the Election, return the poll-book to the Clerk of the Municipality from whom he received the copy of the assessment-roll, and also his solemn Declaration thereto annexed, that the poll-book contains a true statement of the poll, and his certificate of the persons, naming them, who have been duly elected.

Election riotously broken up, to be resumed.

99. In case, by reason of a Riot or other emergency, an Election is not commenced on the proper day or is interrupted after being commenced and before the lawful closing thereof, the Returning Officer shall hold or resume the Election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day if necessary, until the poll has been

been open without interruption and with free access to voters, for twelve hours in all, or thereabouts, in order that all the Electors so intending may have had a fair opportunity to vote.

100. But in case the Election has not, by the end of the fourth day from the day the same commenced or should have commenced, been kept open for the necessary time, the Returning Officer shall not return any person as elected, but shall return his poll-book on the following day to the Clerk of the Municipality, certifying the cause of there not having been an Election, and a new Election shall take place; and the Head of the Municipality shall issue his warrant accordingly.

If Election is prevented for four days, Poll-book to be returned, and a new Election to be ordered.

ELECTION OF MAYORS OF CITIES AND TOWNS.

101. Mayors of Cities and Towns shall be chosen by the electors of such Cities and Towns at the Annual Election to be held on the first Monday in January.

Election of Mayors.

102. The qualification of a Mayor shall be the same as that of an Alderman in Cities, and of a Councillor in Towns.

Qualification of.

103. A meeting of the electors shall take place for the nomination of candidates for the Mayoralty, at the City or Town Hall, on the last Monday but one in the month of December before the Annual Election, at ten of the clock in the forenoon.

Time and place for nominating.

104. The City, or Town Clerk respectively, shall preside at such meeting, or, in case of his absence, the Council shall appoint a person to preside in his place. If the Clerk or the person so appointed does not attend, the electors present shall choose a Chairman or person to officiate from among themselves.

The Clerk to preside.

105. Such Clerk or Chairman shall have all the powers of a Returning Officer.

With powers of a Returning Officer.

106. If only one qualified candidate has been within one hour proposed by any elector present at such meeting, the Clerk or Chairman shall declare such Candidate duly elected Mayor.

If only one candidate proposed.

107. If more candidates than one are proposed, and if a poll is demanded, the Clerk or Chairman shall on the following day post up in the Office of the Clerk the names of the persons proposed, and give notice thereof to the Returning Officer for every Ward.

If a Poll is demanded, the election to be by Wards.

108. In case of a contest in an Election for the office of Mayor, the Returning Officer for every Ward shall keep the poll open for the full time required by law for taking the votes, though there may be no contest for the other offices for which he holds the Election.

Duration of Poll.

Poll-books to be kept :

109. Every Returning Officer shall enter in his poll-book, in separate columns, the names of the candidates for the office of Mayor, as well as the names of the candidates for the offices of Aldermen and Councilmen, in Cities, or of Councillors, in Towns, and shall, in the column in which is entered the name of a candidate for Mayor voted for by any voter, set the number "1" opposite the voter's name.

And returned to the clerk.

110. Every Returning Officer shall, on the day after the close of the poll, return the poll-book to the City or Town Clerk, verified as to the election of Mayor as well as in the other particulars required by this Act.

Returning Officer to add up Poll and declare the result.

111. The City or Town Clerk shall add up the number of votes set down for each candidate for Mayor in the respective poll-books so returned, and ascertain the aggregate number of such votes, and in case a poll has been taken and the poll-books have been returned for every Ward, the Clerk shall, at the City or Town-Hall, at noon of the day following the return of the poll-books, declare elected the candidate having the largest number of votes polled.

If no majority for any candidate.

112. In case there is no majority for any one candidate, the Clerk shall declare that two or more candidates, naming them, have an equal number of votes, or in case no return has been made for one or more Wards in consequence of no election having been held therein, or of the election having been interrupted through riot or other cause, he shall declare the want of returns for such Ward or Wards, and the cause thereof.

Mayor to take oath of office on the 1st day of meeting.

113. The Mayor elect shall make and subscribe the necessary declarations of office and qualification on the day appointed for the first meeting of the Council, and shall afterwards administer the necessary declarations to the other members of the Council.

All the Members to be sworn, &c.

114. No other business shall be proceeded with at the said meeting until the said declarations have been administered to all the members who present themselves to take the same.

If votes for Mayor equal.

115. In case two or more candidates for Mayor have an equal number of votes, the members of the Council shall take the necessary declarations before the Clerk, and shall after doing so organize themselves as a Council by electing as Mayor one of such candidates ; the Clerk presiding at the Election.

If no return for one or more Wards, a temporary Head to be elected by the Council.

116 In case no return is made for one or more Wards in consequence of non-election, owing to interruption by riot or other cause, the members of Council elect being at least a majority of the whole members of the Council when full, shall elect one of the Aldermen elect in Cities, or one of the Councillors elect in Towns, to be the Presiding Officer, at which election

election the Clerk shall preside, and such Officer shall take the necessary declarations and possess all the powers of Mayor, until a poll for such Ward or Wards has been held under a warrant in the manner provided for in the one hundred and twenty-second section of this Act.

117. When a Poll has been duly held in each of such Wards, and the poll-books returned to the Clerk, the Clerk shall add up the number of votes for Mayor therein set down for the respective candidates, and ascertain the aggregate number of votes for Mayor contained in such last mentioned poll-books, together with the votes contained in the poll-books previously returned for the other Wards, and shall, at noon on the next day, at the City or Town-Hall, declare elected Mayor the candidate having the greatest number of votes polled, or declare that there is an equality of votes for two or more candidates, (*as the case may be.*)

When Poll completed, clerk to add up votes and declare result; when and where.

118. In case of an equality of votes, the Council shall appoint as Mayor one of the candidates between whom the equality exists.

In case of equality, the Council to decide.

119. The person so elected or appointed shall forthwith make the declaration in manner provided for Mayors, and assume the office of Mayor accordingly.

Declaration and assumption of office.

DUTIES OF MAYORS.

120. The Mayor shall be deemed the Head of the Council, and the head and chief executive officer of the Corporation; and it shall be his duty to be vigilant and active at all times in causing the Law for the government of the City to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and as far as may be in his power, to cause all negligence, carelessness and positive violation of duty to be duly prosecuted and punished, and to communicate from time to time to the Council, all such information, and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and ornament of the City.

Mayor to be the Head of the Council; His duties.

ELECTION WHEN SEATS VACATED, &c.

121. In case a Member of Council is convicted of felony or infamous crime, or is declared a Bankrupt, or is charged in execution for debt and remains in close custody, or upon the Gaol Limits for one calendar month, or applies for Relief as an Insolvent Debtor, or assigns his property for the benefit of creditors, or absents himself from the meetings of the Council for three months without being authorized by a resolution of the Council entered on its minutes, his seat in the Council shall thereby become vacant.

Seats vacated; by insolvency absence, &c.

New Elections
provided for.

122. In any case provided for by the one hundred and sixteenth or one hundred and twenty-first sections, or in case a person elected to a Council neglects or refuses to accept office, or to make the necessary declarations for office within the time required, or in case a vacancy occurs in the Council caused by death, judicial decision or otherwise, the Head of the Council for the time being, or in case of his absence or of his office being vacant, the Clerk, or in case of the like absence or vacancy in the office of the Clerk, one of the Members of the Council shall forthwith, by warrant under the signature of such Head, Clerk or Member, and under the Corporate Seal, require the Returning Officer appointed to hold the last Election for the Municipality, Ward and Electoral Division respectively, or any other person duly appointed to that office, to hold a new Election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy.

Term of office.

123. The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected or for which the office is to be filled.

Non-election
of Members
not to prevent
organization
of Council.

124. In case such non-election, neglect or refusal as aforesaid, occurs previous to the organization of the Council for the year, the warrant for the new Election shall be issued by the Head or a Member of the Council for the previous year, or by the Clerk in like manner as provided for by the one hundred and twenty-second section, but such neglect or refusal shall not interfere with the immediate organization of the new Council, provided a majority are present of the full number of the Council.

Time for holding
and notice
of new Election.

125. The Returning Officer shall hold the new election at furthest within eight days after receiving the warrant, and shall, at least four days before the Election, post up a public notice thereof under his hand in at least four of the most public places in the Municipality, Ward or Electoral Division.

APPOINTMENTS IF ELECTION NEGLECTED.

Appointment
if election
neglected or
declined.

126. In case at any annual or other Election the Electors, from any cause not provided for by the ninety-ninth and one hundredth sections, neglect or decline to elect the Members of Council for a Municipality on the day appointed, or to elect the requisite number of members, the other members of the Council, or if there are none, then the members for the preceding year, or the majority of them respectively, shall appoint as many qualified persons as will constitute or complete the number of members requisite; and the persons so appointed shall accept office and make the necessary declarations under the same penalty in case of refusal or neglect, as if elected.

CONTESTED ELECTIONS OR APPOINTMENTS.

127. In case the validity of the election or appointment of a Mayor, Warden, Reeve, Deputy Reeve, Alderman, Councilman, Councillor or Police Trustee, is contested, a Judge of either of the Superior Courts of Common Law, or the Senior or officiating Judge of the County Court of the County in which the election took place, may, in Term or Vacation, try the validity thereof; and any candidate at the election, or any elector who gave or tendered his vote thereat, may be the Relator for the purpose.

Trial of contested Elections.

PROCEEDINGS FOR THE TRIAL THEREOF.

128. The proceedings for the trial shall be as follows :

1. If within six weeks after the election, or one calendar month after acceptance of office by the person elected, the Relator shews by affidavit to any such Judge, reasonable grounds for supposing that the election was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the Relator enters into a recognizance before the Judge, or before a Commissioner for taking bail in the sum of two hundred dollars, with two sureties, (to be allowed as sufficient by the Judge upon affidavit of justification,) in the sum of one hundred dollars each, conditioned to prosecute the Writ with effect or to pay the party against whom the same is brought any costs which may be adjudged to him against the Relator, the Judge shall direct a Writ of Summons in the nature of a *quo warranto* to be issued to try the validity of the election;

Time for limited, and security and proof required.

Writ of *quo warranto*.

2. In case the Relator alleges that he himself or some other person has been duly elected, the Writ shall be to try the validity both of the election complained of and the alleged election of the Relator or other person;

When the Relator claims to be elected.

3. In case the grounds of objection apply equally to two or more persons elected, the Relator may proceed by one Writ against such persons;

When several are complained of.

4. Where more Writs than one are brought to try the validity of an election, all such Writs shall be made returnable before the Judge who is to try the first, and such Judge may give one judgment upon all or a separate judgment upon each one or more of them, as he thinks fit;

All to be tried by the same Judge.

5. The Writ shall be issued by the Clerk of the process of the said Superior Courts, or by the Deputy Clerk of the Crown in the County in which the election took place, and shall be returnable before the Judge in Chambers of the Superior Courts at Toronto, or before the Judge of the County Court at a place named in the Writ, upon the eighth day after service computed,

Writ, who to issue, and return day thereof.

exclusively of the day of service, or upon any later day named in the Writ ;

Returning
Officer may
be made a
party.

6. The Judge, before whom the Writ is made returnable or is returned, may, if he thinks proper, order the issue of a Writ of Summons at any stage of the proceedings to make the Returning Officer a party thereto ;

Service to be
personal,
unless ex-
cused by
Judge.

7. Every Writ under this section shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the Judge upon being satisfied thereof by affidavit or otherwise, may make an order for such substitutional service as he thinks fit ;

The Council
or an Elector
may inter-
vene.

8. The Judge before whom the Writ is returned, may allow any person who was entitled to vote at the election, to intervene and defend the election, and may grant a reasonable time for the purpose. And any intervening party shall be liable or entitled to costs like any other party to the proceedings ;

Judge shall
try sum-
marily.

9. The Judge shall, in a summary manner, upon statement and answer without formal pleadings, hear and determine the validity of the election, and may by order cause the assessment-rolls, collectors' rolls, poll-books, and any other records of the election, to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed by him and sent to be tried by Jury by Writ of Trial directed to any Court named by the Judge, or by one or more of these means, as he deems expedient ;

And remove,
admit or con-
firm.

10. In case the Election complained of is adjudged invalid, the Judge shall forthwith, by Writ, cause the person found not to have been duly elected to be removed ; and in case the Judge determines that any other person was duly elected, the Judge shall forthwith order a Writ to issue causing such other person to be admitted ; and in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall by the Writ cause a new Election to be held ;

If all the
Members
ousted, &c.,
writ for new
Election to go
to the Sheriff.

11. In case the Election of all the Members of a Council is adjudged invalid, the Writ for their removal and for the Election of new Members in their place, or for the admission of others adjudged legally elected, and an Election to fill up the remaining seats in the Council, shall be directed to the Sheriff of the County in which the Election took place ; and the Sheriff shall have all the powers for causing the Election to be held which a Municipal Council has in order to supply vacancies therein ;

Defendant
may disclaim.

12. Any person whose Election is complained of may, within one week after service on him of the Writ, transmit post paid, through the Post Office, directed " To the Clerk of Judge's Chambers,

Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court," of the County of How to proceed. *(as the case may be,*) or may cause to be delivered to such Clerk or Judge, a disclaimer signed by him to the effect following :

"I, A. B., upon whom a Writ of Summons in the nature of a *Quo Warranto* has been served for the purpose of contesting my right to the office of Township Councillor, *(or as the case may be)* for the Township of _____, in the County of _____ *(or as the case may be)*, do hereby disclaim the said office, and all defence of any right I may have to the same."

Dated the _____ day of _____, 185 .

(Signed,) A. B.

13. Such disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof with the word "Disclaimer," and be registered at the Post Office where mailed ; Registry of disclaimer.

14. Every person so disclaiming shall deliver a duplicate of his Disclaimer to the Clerk of the Council, and the Clerk shall forthwith communicate the same to the Council ; Disclaimer to be delivered to Clerk.

15. No costs shall be awarded against any person disclaiming as aforesaid, unless the Judge is satisfied that such party consented to his nomination as a candidate or accepted the office, in which cases the costs shall be in the discretion of the Judge ; Costs provided for.

16. In all cases, not otherwise provided for, costs shall be in the discretion of the Judge ; When discretionary.

17. The decision of the Judge shall be final, and he shall, immediately after his Judgment, return the Writ and Judgment with all things had before him touching the same into the Court from which the Writ issued, there to remain of record as a judgment of the said Court ; and he shall, as occasion requires, enforce such judgment by a Writ in the nature of a Writ of Peremptory *Mandamus*, and by Writs of Execution for the costs awarded ; Judge to return his Judgment to the Court in Term ; it shall be final.

18. The Judges of the Superior Courts of Common Law, or a majority of them, may, by rules made in Term time, settle the forms of the Writs of Summons, *Certiorari*, *Mandamus* and execution, and may regulate the practice respecting the suing out, service and execution of such Writs, and the punishment for disobeying the same or any other writ or order of the Court or Judge, and respecting the practice generally, in hearing and determining the validity of such Elections or appointments, and respecting the costs thereon ; and may from time

to time rescind, alter or add to such rules: But all existing Rules shall remain in force until rescinded or altered as aforesaid.

Appointments
equivalent to
Elections.

129. The appointment of members of Municipal Councils when required to be made under this Act shall be deemed elections within the preceding section, and in such cases the Relator may be any Member of the Council or any Elector of the Municipality or Ward for which the appointment was made.

MEETINGS OF COUNCIL, &c.

FIRST MEETING OF MEMBERS ELECT.

First meet-
ings of Coun-
cils.

130. The Members of every Municipal Council, (except County Councils,) and the Trustees of every Police Village, shall hold their first meeting at noon on the third Monday of the same January in which they are elected, or on some day thereafter at noon; and the Members of every County Council shall hold their first meeting at noon, or some hour thereafter, on the fourth Tuesday of the same month, or on some day thereafter.

Place in
Counties.

131. The members of every County Council shall hold their first meeting at the County Hall, if there is one, or otherwise at the County Court House.

ELECTION OF HEADS OF COUNCIL OTHER THAN OF CITIES AND TOWNS.

Elections of
Heads of other
councils than
Cities and
Towns.

132. The members elect of every Council, except a City or Town Council, being at least a majority of the whole number of the Council when full, shall, at their first meeting after the yearly elections, and after making the declarations of office and qualification when required to be taken, organize themselves as a Council by electing one of themselves to be the Warden or Reeve of the Corporation, and such person shall be the Head of the Council.

Who to pre-
side at.

133. At every such election the Clerk of the Council shall preside, and if there is no Clerk, the members present shall select one of themselves to preside, and the person selected may vote as a member.

Who to have
the casting
vote in the
event of an
equality of
Votes.

134. In case of an equality of votes on the election of the Head of any County Council or Provisional County Council, then, of those present, the Reeve, or in his absence, the Deputy Reeve, of the Municipality which has the largest number of names on its last revised assessment-roll, shall have a second and casting vote, and in case of the like occurrence in any other Council, then, of those present, the member who has been assessed for the highest amount on such roll, shall have the like vote.

135. The members of the Council of every Town not withdrawn from the jurisdiction of the County Council, and the Council of every Incorporated Village shall, at its first meeting, elect from among its members a Reeve, and in case any such Town, or Incorporated Village or any Township had the names of five hundred resident free-holders or householders on the last revised Assessment-Roll, the members of the Council of the Town, Village and Township, shall also at its first meeting elect from among its members a Deputy Reeve.

Election of
Reeves and
Deputy
Reeves.

SUBSEQUENT MEETINGS.

136. The subsequent meetings of the County Council, and all the meetings of every other Council, shall be held at such place, either within or without the Municipality, as the Council from time to time, by Resolution on adjourning to be entered on the minutes, or by By-law, appoints.

Place of meet-
ing of Coun-
cil in Muni-
cipalities.

137. The Council of the County in which any City lies, may hold its sittings, keep its public offices, and transact all the business of the Council and of its officers and servants within such City, and may purchase and hold such Real property therein as may be convenient for such purposes.

Place of in
Cities.

138. Every Council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct.

Meetings to be
open.

139. In case there is no By-law of a Council fixing the place of meeting, any Special Meeting of the Council shall be held at the place where the then last Meeting of the Council was held; and a special Meeting may be open or closed as in the opinion of the Council, expressed by Resolution in writing, the public interest requires.

Special may
be close.

140. A majority of the whole number of members required by law to constitute the Council shall form a quorum.

Quorum.

141. When a Council consists of only five Members, the concurrent votes of at least three shall be necessary to carry any resolution or other measure.

In Councils
of five, three
must concur.

142. Every Council may adjourn its Meetings from time to time.

Adjourn-
ments.

WHO TO PRESIDE IN COUNCIL.

143. The Head of every Council shall preside at the meetings of Council; and may at any time summon a special meeting thereof; and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the Council.

The Heads to
preside in
Council.

When Reeve or Deputy Reeve to preside.

144. In case of the death or absence of the Head of a Town Council, the Reeve, and in case of the absence or death of both of them, the Deputy Reeve, and in case of the death or absence of the Head of a Village or Township Council, the Deputy Reeve, shall preside at the meetings of Council, and may at any time summon a special meeting thereof.

Absence of Head provided for.

145. In the absence of the Head of the Council, and in the case of a Town, Village or Township in the absence also of the Reeve, if there be one, and also of the Deputy Reeve, if there be one, by leave of the Council, or from illness, the Council may, from among the members thereof eligible to be elected Head, appoint a presiding officer, who, during such absence, shall have all the powers of the Head of the Council.

Casual absence provided for.

146. If the person who ought to preside at any Meeting does not attend within a reasonable time after the hour appointed, the members present may appoint a Chairman from amongst themselves, and such Chairman shall have the same authority in presiding at the meeting as the absent person would have had if present.

Head to vote. Presumptive pro negante, in case of ties.

147. The Head of the Council, or the Presiding Officer or Chairman of any meeting of any Council, may vote with the other Members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

RESIGNATIONS OF HEADS OF COUNCIL.

Resignation of Heads provided for.

148. The Head of a Council or the Reeve of a Town or the Deputy Reeve of a Town, Village or Township may, at any time, resign his office, and in such case, or in the case of a vacancy in any such office by death or otherwise, the Council, or its remaining members, shall, at a special meeting for the purpose, or at the first regular meeting after the vacancy occurs, elect from among themselves a qualified person to fill the office.

Vacancies how filled.

OF COUNCILLORS.

Members may resign.

149. Any Member of a Council may, with the consent of the majority of the members thereof, to be entered on the minutes of the Council, resign his seat in the Council, and the vacancy shall be supplied as in the case of a natural death.

OFFICERS OF CORPORATIONS.

THE CLERK, AND DUTIES OF.

The Clerk, and his duties.

150. Every Council shall appoint a Clerk; and the Clerk shall truly record in a book without note or comment, all resolutions, decisions and other proceedings of the Council, and, if required

required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of the Council; and shall preserve and file all accounts acted upon by the Council, and also the originals or certified copies of all By-laws, and of all minutes of the proceedings of the Council, all which he shall so keep in his office, or in the place appointed by By-law of the Council.

151. Any person may inspect any of the particulars aforesaid at all reasonable times; and the Clerk shall within a reasonable time furnish copies thereof to any applicant at the rate of six pence per hundred words, or at such lower rate as the Council appoints, and shall, on payment of his fee therefor, furnish, within a reasonable time to any elector of the Municipality, or to any other person interested in any By-law, Order or Resolution, or to his Attorney, a copy of such By-law, Order or Resolution, certified under his hand and under the Corporate Seal.

Minutes, &c.,
to be open to
inspection.
Copies to be
furnished, and
charges
therefor, &c.

152. The Clerk of every City, Town, Incorporated Village and Township, shall, on or before the first day of December in each year, transmit to the Receiver General a true Return of the number of resident rate-payers appearing on the revised assessment-roll of his Municipality for the year, and shall accompany such return with an affidavit made before a Justice of the Peace verifying the same, in the following form:

Clerk to
transmit a
yearly return
of rate-payers
to the Receiver
General.

“ I, A. B., Clerk of the Municipality of the City, (Town, Township or Village, *as the case may be*), make oath and say, that the above or the within written, or the annexed return, contains a true statement of the number of resident rate-payers appearing on the Assessment-roll of the said City, (Town, Township or Village,) for the year one thousand eight hundred and fifty-

(Signed) A. B.

“ Sworn before me, &c.”

153. And in case of default in any year so to transmit, the Clerk shall be liable to a penalty of twenty dollars, to be paid to the Receiver General for the use of the Province, to be recovered by summary proceedings in the manner provided for the recovery of penalties for infringing By-laws under this Act.

Penalty for
default.

154. The Clerk of every Township, Village and Town shall, in each year, within one week after the first day of January, make a return to the Clerk of the County in which the Municipality is situate, of the following particulars respecting his Municipality for the year then last past, namely:

To make a
yearly return
to the County
Clerk.

- Heds of columns in Assessment-Rolls, to be varied according to the form of the Assessment-rolls required by law.
1. Number of persons assessed.
 2. Number of acres assessed.
 3. Total of rentals of real property.
 4. Total of yearly value other than rentals of real property.
 5. Total actual value of real property.
 6. Total of taxable incomes.
 7. Total value of personal property.
 8. Total yearly value of personal property.
 9. Total amount of assessed value of real and personal property.
 10. Total amount of taxes imposed by By-laws of the Municipality.
 11. Total amount of taxes imposed by By-laws of the County Council.
 12. Total amount of taxes imposed by By-laws of any Provisional County Council.
 13. Total amount of Lunatic Asylum or other Provincial tax.
 14. Total amount of all taxes as aforesaid.
 15. Total amount of income collected or to be collected from assessed taxes for the use of the Municipality.
 16. Total amount of income from licenses.
 17. Total amount of income from public works.
 18. Total amount of income from shares in incorporated Companies.
 19. Total amount of income from all other sources.
 20. Total amount of income from all sources.
 21. Total expenditure on account of roads and bridges.
 22. Total expenditure on account of other public works and property.
 23. Total expenditure on account of stock held in any incorporated Company.
 24. Total expenditure on account of schools and education, exclusive of School Trustees rates.
 25. Total expenditure on account of the support of the poor or charitable purposes.
 26. Total expenditure on account of Debentures and interest thereon.
 27. Total gross expenditure on account of Administration of Justice in all its branches.
 28. Amount received from Government on account of Administration of Justice.
 29. Total nett expenditure on account of administration of Justice.
 30. Total expenditure on account of salaries, and the expenses of Municipal Government.
 31. Total expenditure on all other accounts.
 32. Total expenditure of all kinds.
 33. Total amount of liabilities secured by Debentures.
 34. Total amount of liabilities unsecured.
 35. Total liabilities of all kinds.
 36. Total value of real property belonging to Municipality.

37. Total value of stock in incorporated Companies owned by Municipality.
38. Total amount of debts due to Municipality.
39. Total amount of arrears of taxes.
40. Balance in hands of Treasurer.
41. All other property owned by Municipality.
42. Total assets.

155. The Clerk of every County shall, before the first day of February, in each year, prepare and transmit to the Provincial Secretary a Statement of the aforesaid particulars respecting all the Municipalities within his County, entering each Municipality in a separate line, and the particulars required opposite to it, each in a separate column, together with the sum total of all the columns for the whole County, and shall also make at the same time a Return of the same particulars respecting his County, as a separate Municipality.

County Clerk to make a return to the Provincial Secretary.

156. The Clerk of every City, shall, before the first day of February in each year, make a return to the Provincial Secretary of the same particulars respecting his City.

And also Clerks of Cities.

157. The Treasurer of the County shall retain in his hands any moneys payable to any Municipality, if it is certified to him by the Clerk of the County that the Clerk of such Municipality has not made the Returns hereinbefore required; and the Receiver-General shall retain in his hands any moneys payable to any Municipality if it is certified to him by the Provincial Secretary that the Clerk of such Municipality has not made the Returns hereinbefore required; and any person so required to make any Return by a particular day who fails so to do, shall be liable to a penalty of not more than twenty dollars, to be paid to the Receiver-General for the use of the Province, to be recovered as last aforesaid.

Moneys to be retained if returns not made.

158. The Provincial Secretary shall, as soon as may be after the commencement of every Session, lay before both Houses of the Legislature a copy of all Returns hereinbefore required to be made.

Provincial Secretary to lay the returns before Parliament.

CHAMBERLAIN AND TREASURER.

159. Every City Council shall appoint a Chamberlain, and every other Council shall appoint a Treasurer; and every Chamberlain and Treasurer, before entering upon the duties of his office, shall give such security as the Council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands.

Treasurer to be appointed. To give security.

160. Every Treasurer and Chamberlain respectively shall receive and safely keep all moneys belonging to the Corporation, and shall pay out the same to such persons and in such manner

To receive and take care of and disburse moneys, &c.

manner as the Laws of the Province and the lawful By-laws or resolutions of the Council direct.

To make a return yearly to the Provincial Board of Audit.

161. The Treasurer or Chamberlain of every Municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by such Municipality, transmit to the Board of Audit, on or before the Fifteenth day of January in every year, a Return, certified on the oath of the Treasurer or Chamberlain before some Justice of the Peace, containing the amount of taxable property in the Municipality according to the then last Assessment-Roll or Rolls,—a true Account of all the Debts and Liabilities of the Municipality for every purpose, for the then last year,—and such further information and particulars with regard to the liabilities and resources of the Municipality, as the Governor in Council may from time to time require, under a penalty, in case of neglect or refusal to transmit the Return, account, information or particulars, of one hundred dollars, to be recovered with costs as a debt due to the Crown, according to the fifteenth Section of the Statute, eighteenth Victoria chaptered seventy-eight, to secure the more efficient Auditing of the Public accounts.

ASSESSORS AND COLLECTORS.

Assessors and Collectors, appointments and qualification of.

162. The Council of every Municipality except a County shall, as soon as may be convenient after the annual election, appoint as many Assessors and Collectors for the Municipality as the Assessment Laws from time to time authorize or require, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs; but the Council shall not appoint as Assessor or Collector a member of the Council, or a person who has not the same property qualification as that required for a Councillor or Councilman of the Municipality. The same person may, in a City, Town or Township, be appointed Assessor or Collector for more than one Ward.

Assessors to designate freeholders and householders in their assessment-rolls.

163. The Assessors shall state in their Assessment-Rolls whether the persons named therein are Freeholders or Householders, or both, and shall, in separate columns for this purpose, use the initial letters F and H to signify the same respectively.

Householder defined.

164. Every occupant of a separate portion of a house, such portion having a distinct communication with a Public road or street by an outer door, shall be deemed a Householder within this Act.

Collector of Provisional County.

165. The Collectors of the several Townships in a Junior County of a Union of Counties shall *ex officio* be Collectors in such Townships for the Provisional Council, and the Collectors shall pay over to the Provisional Treasurer the money they collect under any By-law of the Provisional Council.

166. The money so collected shall be deemed the money of the Union, so far as necessary to make the Collectors and their sureties responsible to the Union therefor. And in case the Corporation of the Union receives the same, such Corporation shall immediately pay the amount to the Provisional Treasurer, retaining the expenses of collection.

Moneys how to be disposed of.

AUDITORS.

167. Every Council shall, at the first meeting thereof in every year after being duly organized, appoint two Auditors, one of whom shall be such person as the Head of the Council nominates; but no one who, at such time or during the preceding year, is or was a Member, or is or was Clerk or Treasurer of the Council, or who has or during such preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the Corporation, except as Auditor, shall be appointed an Auditor.

Auditors.

Disqualification for office of.

168. The Auditors shall examine and report upon all accounts affecting the Corporation, or relating to any matter under its control or within its jurisdiction, for the year ending on the thirty-first day of December preceding their appointment.

Duties of.

169. The Auditors shall prepare an abstract of the receipts, expenditures and liabilities of the Corporation; and also a detailed statement of the said particulars in such form as the Council directs, and report in duplicate on all the accounts audited by them; and shall file the same in the office of the Clerk of the Council within one month after their appointment, and thereafter any inhabitant or rate-payer of the Municipality may inspect one of such duplicate reports, at all reasonable hours; and may, by himself or his agent, at his own expense, take a copy thereof or extracts therefrom.

To prepare abstract and detailed statement of receipts and expenditures, &c.

170. The Council shall, upon the report of the Auditors, finally audit and allow the accounts of the Treasurer or Chamberlain and Collectors and all accounts chargeable against the Corporation; and in case of charges not regulated by law, the Council shall allow what is reasonable.

The Council to audit finally, &c.

171. The Clerk shall print and publish the Auditors' abstract, and shall also publish the detailed statement in such form as the Council directs.

Clerk to publish abstracts and statements.

172. Every County Council shall have the regulation and auditing of all moneys to be paid out of funds in the hands of the County Treasurer.

Audit of moneys paid by Treasurer.

SALARIES AND CONTINUANCE IN OFFICE.

173. In case the remuneration of any of the officers of the Municipality has not been settled by Act of the Legislature, the Council

Salaries of officers.

Council

Council shall settle the same, and the Council shall provide for the payment of all municipal officers, whether the remuneration is settled by Statute or by By-law of the Council.

Of Chamberlain or Treasurer.

174. The Chamberlain or Treasurer may be paid a salary or percentage, and all officers appointed by a Council shall hold office until removed by the Council, and shall, in addition to the duties assigned to them in this Act, perform all other duties required of them by any other Statute, or by the By-laws of the Council having jurisdiction over such officers.

OFFICIAL DECLARATIONS.

Declaration of Qualification.

175. Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following :

Form of.

“ I, A. B., do solemnly declare, that I am a natural-born (or naturalized) subject of Her Majesty ; that I am truly and *bonâ fide* seized or possessed to my own use and benefit, of such an estate, (*specifying the nature of such estate, and if land, designating the same by its local description, rents or otherwise,*) as doth qualify me to act in the office of (*naming the office*) for (*naming the place for which such person has been elected or appointed*) according to the true intent and meaning of the “ Municipal Laws of Upper Canada.”

Declaration of office.

176. Every Returning Officer and Returning Officer's Clerk, every Township, Village, Town and City Councillor, every Alderman, every Justice of the Peace for a Town, and every Clerk, Assessor, Collector, Constable and other officer appointed by a Council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following :

Form of Declaration of office.

“ I, A. B., do solemnly promise and declare, that I will truly, “ faithfully and impartially to the best of my knowledge and “ ability, execute the office of (*inserting the name of the office*) “ to which I have been elected (*or appointed*) in this Township, “ (*or as the case may be,*) and that I have not received and will “ not receive any payment or reward, or promise of such, for the “ exercise of any partiality or malversation or other undue “ execution of the said office.”

Denial of disqualifying interest, who to take.

177. The solemn declaration to be made by every Mayor and Alderman, and by every Township, Village, Town and City Councillor, shall also state that he has not by himself or his partner an interest in any contract with or on behalf of the Corporation.

178. The solemn declaration to be made by every Auditor shall be as follows : Auditor's declaration.

“ I, A. B., having been appointed to the office of Auditor for the Municipal Corporation of _____, do hereby promise and declare that I will faithfully perform the duties of such office according to the best of my judgment and ability : and I do solemnly declare, that I had not directly or indirectly any share or interest whatever in any contract or employment (except that of Auditor, if re-appointed) with, by or on behalf of such Municipal Corporation, during the year preceding my appointment, and that I have not any contract or employment (except that of Auditor, if re-appointed) for the present year.” Form of oath.

179. The Head and other members of the Council and the subordinate officers of every Municipality, shall make the declaration of office and qualification before some Court, Judge, Recorder, Police Magistrate or other Justice of the Peace having jurisdiction in the Municipality for which such Head, members or officers have been elected or appointed, or before the Clerk of the Municipality. Heads and other members of the Council before whom to declare.

180. The Court, Judge or other person before whom such declarations are made, shall give the necessary Certificate of the same having been duly made and subscribed. Certificate of.

181. The Head of any Council, any Alderman, Reeve or Deputy Reeve, any Justice of the Peace of a Town, and the Clerk of a Municipality, may, within the Municipality, administer any oath, affirmation or declaration under this Act, relating to the business of the place in which he holds office, except where otherwise specially provided, and except where he is the party required to take the oath or affirmation, or make the declaration. Head of Council and Reeves may administer oaths, &c.

182. The deponent, affirmant or declarant shall subscribe every such oath, affirmation or declaration, and the person administering it shall duly certify and preserve the same, and within eight days deposit the same in the office of the Clerk of the Municipality to the affairs of which it relates, on pain of being deemed guilty of a misdemeanor. Oath or declaration to be subscribed.

183. Every qualified person duly elected or appointed to be a Mayor, Alderman, Councilman, Reeve, or Deputy Reeve, Councillor, Police Trustee, Assessor or Collector of or in any Municipality, who refuses such office, or does not make the declarations of office and qualification within twenty days after knowing of his election or appointment, and every person authorized to administer any such declaration, who, upon reasonable demand, refuses to administer the same, shall, on conviction thereof before two or more Justices of the Peace under Penalty for refusing to accept office or take the oaths, &c.

under and subject to the summary convictions Act of Sixteenth Victoria, Chapter one hundred and seventy-eight, forfeit not more than eighty dollars nor less than eight dollars, at the discretion of such Justices, to the use of the Municipality, together with the costs of prosecution.

EMBEZZLEMENT OF BOOKS, MONEYS.

Embezzlements by Municipal Officers.

184. All books, papers, accounts, documents, moneys and valuable securities respectively, by any person or officer appointed or employed by or on behalf of any Council, kept or received by virtue of his office or employment, shall be the property of the Corporation; and in case any such person or officer refuses or fails to deliver up or pay over the same respectively to the Corporation, or to any person authorized by the Council to demand them, he shall be deemed guilty of a fraudulent embezzlement thereof, and may be prosecuted and punished in the same manner as a servant fraudulently embezzling any chattel, money or valuable security of his master; but nothing herein shall affect any remedy of the Corporation or of any other person against the offender or his sureties, or any other party; nor shall the conviction of such offender be receivable in evidence in any suit, at law or in equity, against him.

PROVISIONS APPLICABLE TO ALL COUNCILS.

Certain sections to apply to all Municipalities.

185. The following sections numbered from 186 to 240, both inclusive, relate to all Municipalities, namely:

- | | |
|------------------------------|---------------------------|
| 1. Townships, | 4. Cities, |
| 2. Counties, | 5. Towns, and |
| 3. Provisional Corporations, | 6. Incorporated Villages. |

JURISDICTION OF COUNCILS.

Local Jurisdiction of Councils.

186. The Jurisdiction of every Council shall be confined to the Municipality the Council represents, except where authority beyond the same is expressly given, and the powers of the Council shall be exercised by By-law when not otherwise authorized or provided for.

General power to make local regulations—To regulate meetings and proceedings; To repeal or alter By-laws.

187. Every Council may make Regulations not specifically provided for by this Act, and not contrary to Law, for governing the proceedings of the Council,—the conduct of its Members,—and the appointing or calling of special meetings of the Council; and generally, such other regulations as the good of the Inhabitants of the Municipality requires; and may repeal, alter and amend its By-laws, save as by this Act restricted.

BY-LAWS OF COUNCILS.

HOW AUTHENTICATED.

How By-laws to be authenticated.

188. Every By-law shall be under the Seal of the Corporation, and shall be signed by the Head of the Corporation, or by the

the person presiding at the Meeting at which the By-law has been passed, and by the Clerk of the Corporation.

189. A copy of any By-law written or printed without erasure or interlineation, and under the Seal of the Corporation, and certified to be a true copy by the Clerk and by any Member of the Council, shall be deemed authentic, and be received in evidence in any Court of Justice without proof of the Seal or Signatures, unless it is specially pleaded or alleged that the Seal, or one or both of the Signatures, have been forged.

Certified copies to be evidence.

OPPOSITION TO BY RATE-PAYERS.

190. In case any person rated on the Assessment-Roll of any Municipality, or of any locality therein, objects to the passing of a By-law the passing of which is to be preceded by the application of a certain number of the rateable inhabitants of such Municipality or place, he shall, on petitioning the Council, be at liberty to attend, in person or by Counsel or Attorney, before the Council at the time at which the By-law is intended to be considered, or before a Committee of the Council appointed to hear evidence thereon, and may produce evidence that the necessary notice of the application for the By-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that the proposed By-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number nor represent the amount of property necessary to the passing of the By-law.

Opposition to By-laws applied for by rate-payers : Provision for.

191. If the Council is satisfied upon the evidence that the application for the By-law did not contain the names of a sufficient number of persons whose names were obtained without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the By-law passed, or if the Council is satisfied that the notice required by law was not duly given, the Council shall not pass the By-law.

When By-laws shall not pass.

PROCEEDINGS WHEN THE ASSENT OF ELECTORS IS REQUIRED.

192. In case a By-law requires the assent of the Electors of a Municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for :

If a By-law requires the assent of the electors.

1. The Council shall by the By-law fix the day, hour and place, for taking the votes of the Electors thereon at every place in the Municipality at which the elections of the Members of the Council or Councils therein are held; and shall also name a Returning Officer to take the votes at every such place, and such day shall not be less than three nor more than four weeks after the first publication of the proposed By-law as herein provided for ;

Time and place of voting shall be fixed by By-law.

Proposed By-law to be published.

2. The Council shall, for at least one month before the final passing of the proposed By-law, publish a copy thereof in some newspaper published weekly or oftener in the Municipality, or if there is no such newspaper, in some newspaper in the nearest place in which a newspaper is published, and also put up a copy of the By-law at four or more of the most public places in the Municipality ;

Notice to be given.

3. Appended to each copy so published and posted, shall be a notice signed by the Clerk of the Council, stating that such copy is a true copy of a proposed By-law which will be taken into consideration by the Council after one month from the first publication in the newspaper, stating the date of the first publication, and naming the hour, day and place or places fixed for taking the votes of the Electors ;

Poll.

4. At such day and hour a Poll shall be taken and all proceedings thereat and for the purpose thereof shall be conducted in the same manner as nearly as may be, as at a Municipal Election ;

Verified Poll Book to be returned.

5. Every Returning Officer shall, on the day after the closing of the Poll, return his Poll-Book verified to the Clerk of the Local Municipality in which the Poll was taken, and in case of a By-law of a County Council, the Clerk of the Local Municipalities shall forthwith return to the Clerk of the County Council the Poll-Book so delivered to him ;

Clerk to sum up and declare result.

6. The Clerk of the Council which proposed the By-law shall add up the number of votes for and against the same, and shall certify to the Council under his hand whether the majority have approved or disapproved of the By-law ; and shall keep the same with the Poll-Book among the Records of his Office.

WHEN REQUIRING THE ASSENT OF THE GOVERNOR IN COUNCIL.

When the assent of the Governor is required to By-laws.

193. The facts required by this Act to be recited in any By-law which requires the approval of the Governor in Council, shall, before receiving such approval, be verified, by solemn declaration, by the Head of the Council, and by the Chamberlain or Treasurer and Clerk thereof, and by such other persons and on such other evidence as to the Governor in Council satisfactorily proves the facts so recited ; or in case of the death or absence of any such Municipal officer, upon the declaration of any other Member of the Council whose declaration the Governor in Council will accept.

WHEN AND HOW QUASHED.

By-laws, how to proceed in

194. In case a resident of a Municipality, or any other person interested in a By-law, Order or Resolution of the Council thereof,

thereof, applies to either of the Superior Courts of Common Law, and produces to the Court a copy of the By-law, Order or Resolution, certified under the hand of the Clerk and under the Corporate Seal, and shews, by affidavit, that the same was received from the Clerk, and that the applicant is resident or interested as aforesaid, the Court, after at least eight days' service on the Corporation of a Rule to shew cause in this behalf, may quash the By-law, Order or Resolution in whole or in part for illegality, and according to the result of the application, award costs for or against the Corporation.

order to
quash.

WHEN CONFIRMED BY PROMULGATION.

195. In case a By-law by which a rate is imposed has been specially promulgated in the manner hereinafter specified, no application to quash the By-law shall be entertained after six calendar months have elapsed since the promulgation.

Time after
which By-law
cannot be
quashed, if
properly pro-
mulgated.

196. Every special promulgation of a By-law within the meaning of this Act shall consist in the publication, through the Public Press, of a true copy of the By-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by Law for applications to the Courts to quash the same or any part thereof.

What shall be
such promul-
gation.

197. In the case of a By-law by which a Rate is imposed, the promulgation shall be either by such publication of a copy of the By-law with such notice as aforesaid, or in lieu thereof by such publication of a notice setting forth the amount of the rate and giving the substance only of the other parts of the By-law with a similar notice of the time so limited for applications to quash as aforesaid; and the publication referred to in the preceding two sections, shall be in each public newspaper published weekly or oftener within the Municipality; or if there be no such newspaper, then in at least two public newspapers published weekly or oftener nearest to the Municipality, and the publication shall for the purpose aforesaid be continued in at least three consecutive numbers of the paper.

And if the
By-laws im-
poses any
rate.

198. The notice to be appended to every copy of a By-law for the purpose aforesaid, shall be to the effect following:

Notice to be
given.

"NOTICE.—The above is a true copy of a By-law passed by the Municipal Council of the Township of A, in the County of B, one of the United Counties of B, C and D, (or as the case may be) on the _____ day of _____, 185____, and (where the approval of the Governor in Council is by law required to give effect to such By-law) approved by His Excellency the Governor General in Council, on the _____ day of _____, 185____; and all persons are hereby required to take notice, that any one desirous of applying to have such By-law or any part

Form of such
notice.

part thereof quashed, must make his application for that purpose to one of Her Majesty's Superior Courts of Common Law at Toronto, within six Calendar Months at the farthest after the special promulgation thereof by the publication of this notice in three consecutive numbers of the following newspapers, viz: (*here name the newspapers in which the publication is to be made*), or he will be too late to be heard in that behalf.

G. H.

Township Clerk."

Notice setting forth the rate.

199. The notice setting forth the amount of the rate, and giving the substance only of the other parts of the By-law, for the purpose aforesaid, shall be to the effect following:

Form of such notice.

"Township A, in the County of B, one of the United Counties of B, C and D, in Upper Canada, to wit:

Notice is hereby given, that a By-law, intituled, (*set out the title,*) and numbered (*give the number by which the By-law is designated,*) was on the _____ day of _____, 185____, passed by the Municipal Council of the Township of A, in the County of B, one of the United Counties of B, C and D, in Upper Canada, for the purpose of (*here set out in substance the object of the By-law, as* "raising the necessary funds to meet the general public expenses of the Township of _____ for the year 185____," or "for the purpose of raising and contracting for a loan of _____ Pounds, for making and macadamizing a Road from _____ to _____" (*or otherwise, as the case may be*) and, (*where the approval of the Governor in Council is by law required to give effect to such By-law,*) approved by His Excellency the Governor General in Council, on the _____ day of _____, 185____;) and all persons are hereby required to take notice, that any one desirous of applying to have such By-law or any part thereof quashed, must make his application for that purpose to one of Her Majesty's Superior Courts of Common Law at Toronto, within six Calendar Months, at the farthest, after the special promulgation thereof, by the publication of this notice in three consecutive numbers of the following newspapers, viz: (*here name the newspapers in which the publication is to be made*), or he will be too late to be heard in that behalf.

G. H.

Township Clerk."

If not moved against, within the time limited, to be valid.

200. In case no application to quash any By-law so specially promulgated is made within the time limited for that purpose, the By-law, or so much thereof as is not the subject of any such application, or not quashed upon such application,

application, so far as the same ordains, prescribes or directs any thing within the proper competence of the Council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form, either in the By-law itself, or in the time or manner of passing the same, be a valid By-law.

IF QUASHED, THE CORPORATION ONLY TO BE LIABLE.

201. In case a By-law, Order or Resolution is illegal in whole or in part, and in case any thing has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one calendar month has elapsed after the By-law, Order or Resolution has been quashed or repealed, nor until one calendar month's notice in writing of the intention to bring such action has been given to the Corporation; and every such action shall be brought against the Corporation alone, and not against any person acting under the By-law, Order or Resolution.

Liability of Municipality for acts done under a By-law afterwards quashed.

TENDER OF AMENDS BY.

202. In case the Corporation tenders amends to the Plaintiff or his Attorney, if such tender be pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases.

Tender of amends.

OFFENCES AGAINST BY-LAWS.

203. In case any Officer of a Municipal Corporation neglects or refuses to carry into effect a By-law for paying a debt, and so neglects or refuses under colour of a By-law illegally attempting to repeal such first mentioned By-law, or to alter the same so as to diminish the amount to be levied under it, such Officer shall be guilty of a misdemeanor, and be punished by fine or imprisonment, or both, at the discretion of the Court whose duty it may be to pass sentence upon him.

Offences against By-laws.

204. In case an offence is committed against a By-law of a Council, for the prosecution of which offence no other provision is made, any Justice of the Peace, having jurisdiction in the locality where the offender resides, or where the offence was committed, whether the Justice is a member of the Council or not, may try and determine any prosecution for the offence.

Jurisdiction to try.

Summary proceedings.

205. The Justice or other authority before whom a prosecution is had for an offence against a Municipal By-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the penalty or punishment imposed by

Evidence.

Penalty and costs ;

How levied.

the By-law with the costs of prosecution, and may by warrant under the hand and seal of the Justice or other authority, or in case two or more Justices act together therein, then under the hand and seal of one of them, cause any pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender.

Commitment in default of distress.

206. In case of there being no distress found, out of which the penalty can be levied, the Justice may commit the offender to the Common Gaol, House of Correction or nearest Lock-up-House, for the term specified in the By-law.

Fines how applied.

207. When the pecuniary penalty has been levied, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the Corporation, unless the prosecution is brought in the name of the Corporation ; and in that case the whole of the pecuniary penalty shall be paid to the Corporation.

Jurisdiction of Mayors and Police Magistrates over penal offences.

208. The Police Magistrate, or when there is none, the Mayor of a Town or City, shall have jurisdiction in addition to his other powers, to try and determine all prosecutions for offences against the By-laws of the Town or City, and for penalties for refusing to accept office therein, or to make the necessary declarations of qualification and office.

DEBENTURES, &c.

HOW TO BE MADE.

Debentures, Bonds, &c., how to be executed.

209. All Debentures and other specialties duly authorized to be executed on behalf of a Municipal Corporation shall, unless otherwise specially authorized or provided, be sealed with the Seal of the Corporation and be signed by the Head thereof, or by some other person authorized by By-law to sign the same, otherwise the same shall not be valid.

TRANSFERABLE BY DELIVERY, &c.

Debentures transferable by delivery if payable to bearer.

210. Any Debenture heretofore issued, or issued after this Act takes effect, under the formalities required by law, by any Municipal Corporation, payable to bearer or to any person named therein or bearer, may be transferred by delivery, and such transfer shall vest the property of such debenture in the holder, and enable him to maintain an action thereupon in his own name.

Or, if endorsed in blank, when payable to order.

211. Any Debenture issued as aforesaid, and made payable to any person or order, shall, (after the endorsement thereof in blank, by such person,) be transferable by delivery from the time of the endorsement, and the transfer shall vest the property thereof in the holder, and enable him to maintain an action thereupon in his own name.

212. In a suit or action upon any such Debenture, it shall not be necessary for the Plaintiff to set forth in the declaration or other pleading, or to prove, the mode by which he became the holder of the Debenture, or to set forth or to prove the notices, by-laws or other proceedings under and by virtue of which the Debenture was issued, but it shall be sufficient in such pleading to describe the Plaintiff as the holder of the Debenture, (alleging the indorsation in blank, if any,) and shortly to state its legal effect and purport, and to make proof accordingly.

In pleading, sufficient to describe Plaintiff as the holder.

213. Any such Debenture, issued as aforesaid, shall be valid and recoverable to the full amount notwithstanding its negotiation by such Corporation at a rate less than par, or at a rate of interest greater than six per centum per annum.

Full amount recoverable though negotiated at interest exceeding 6 per cent. or below par.

RESTRICTIONS UPON COUNCILS.

214. No Council shall act as bankers, or issue any Bond, Bill, Note, Debenture or other undertaking, of any kind or in any form, in the nature of a Bank Bill or Note, or intended to form a circulating medium, or to supply the place of specie, or to pass as money; nor, unless specially authorized so to do, shall any Council make or give any Bond, Bill, Note, Debenture or other undertaking, for the payment of a less amount than one hundred dollars; and any Bond, Bill, Note, Debenture or other undertaking issued in contravention of this Section, shall be void.

Restrictions upon Councils as to Banking issuing bills, bonds, &c.

215. In case any person issues or makes, or assists in issuing or making, or knowingly utters or tenders in payment or exchange, any Bond, Bill, Note, Debenture or undertaking, of any kind or in any form, in the Nature of a Bank Bill or Note, intended to form a circulating medium, or to supply the place of specie, or to pass as money, contrary to this Act, such person shall be guilty of a misdemeanor.

To issue Bank notes, &c., contrary to this Act, declared a misdemeanor.

216. No Council shall have power to give any person an exclusive right of exercising within the Municipality any trade or calling, or to impose a special tax on any person exercising the same, or to require a license to be taken for exercising the same unless authorized or required by Statute so to do; but the Council may direct a fee, not exceeding one dollar, to be paid to the proper Officer for a certificate of compliance with any regulations in regard to such trade or calling.

Granting, Monopolies prohibited.

217. But nothing in this Act contained shall prevent a Council from granting exclusive privileges in any ferry which may be vested in the Corporation represented by such Council.

Except as to any ferry.

218. In case a member of the Council of any Municipality, either in his own name or in the name of another, and either

Contracts by Members with alone

the Corpora-
tion, void in
Law if void in
Equity.

alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale, in which the Corporation is a party interested, and which is on that account void in equity, the same contract, purchase or sale shall also be held void in any action at law thereon against the Corporation.

COSTS OF MANDAMUS.

Costs of Man-
damus.

219. Upon any application for a Writ of Mandamus for or against a Municipal Corporation, the Courts may, in their discretion, grant or refuse costs.

EXECUTIONS AGAINST CORPORATIONS.

Writs of exe-
cution against
Municipali-
ties.

220. Any Writ of Execution against a Municipal Corporation, may be endorsed with a direction to the Sheriff to levy the amount thereof by rate, and the proceedings thereon shall then be the following :

Sheriff to deli-
ver statement
to Treasurer.

1. The Sheriff shall deliver a copy of the Writ and indorsement to the Chamberlain or Treasurer, or leave such copy at the office or dwelling house of that officer, with a statement in writing of the Sheriff's fees, and of the amount required to satisfy such execution, including in such amount the interest calculated to some day as near as is convenient to the day of the service ;

If not paid, a
rate to be
struck.

2. In case the amount with interest thereon from the day mentioned in the statement, be not paid to the Sheriff within one calendar month after the service, the Sheriff shall examine the Assessment-Rolls of the Corporation, and shall, in like manner as rates are struck for general Municipal purposes, strike a rate sufficient in the pound to cover the amount due on the execution, with such addition to the same as the Sheriff deems sufficient to cover the interest, his own fees and the Collector's percentage, up to the time when such rate will probably be available ;

Sheriff's pre-
cept to levy.

3. The Sheriff shall thereupon issue a precept or precepts, under his hand and seal of office, directed to the Collector or respective Collectors of the Corporation, and shall annex to every precept the roll of such rate, and shall by such precept after reciting the Writ, and that the Corporation had neglected to satisfy the same, and referring to the roll annexed to the precept, command the Collector, or Collectors within their respective jurisdictions, to levy such rate at the time and in the manner by law required in respect of the general annual rates ;

Who to col-
lect the rate.

4. In case at the time for levying the annual rates next after the receipt of such precept, the Collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed, " Execution rate in A. B., vs. The Township,

(or

(or as the case may be, adding a similar column for each execution if more than one,) and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are by law required to make the returns of the general annual rate, return to the Sheriff the precept with the amount levied thereon, after deducting their percentage ;

5. The Sheriff shall, after satisfying the Execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the Chamberlain or Treasurer, for the general purposes of the Corporation ;

6. The Clerk, Assessors and Collectors of the Corporation shall, for all purposes connected with carrying into effect, or permitting or assisting the Sheriff to carry into effect, the provisions of this Act, with respect to such executions, be deemed to be Officers of the Court out of which the Writ issued, and as such shall be amenable to the Court, and may be proceeded against by attachment or otherwise, to compel them to perform the duties hereby imposed upon them.

DEBTS AND RATES.

YEARLY RATES FOR DEBTS.

221. The Council of every Township and the Council of every County and of every provisional Corporation, and of every City, and of every Town, and of every Incorporated Village respectively, shall assess and levy on the whole rateable property within its jurisdiction a sufficient sum in each year to pay all valid debts of the Corporation, whether of principal or interest, falling due within the year.

BY-LAWS TO CREATE DEBTS, &c.

222. Every such Council may, under the formalities required by law, pass By-laws for contracting debts by borrowing money or otherwise, and for levying rates for payment of such debts on the rateable property of the Municipality, for any purpose within the jurisdiction of the Council ; but no such By-Law shall be valid which is not in accordance with the following restrictions and provisions :

1. The By-law, if not for creating a debt for the purchase of Public Works, shall name a day in the financial year in which the same is passed, when the By-law shall take effect ;

2. If not contracted for gas or water works, or for the purchase of public works, according to the Statutes relating thereto, the whole of the debt and the obligations to be issued therefor shall

If for Gas works, &c.

shall be made payable in twenty years at furthest from the day on which such By-Law takes effect; and if the debt is contracted for gas or water works, the same shall in like manner be paid in thirty years at furthest, from the day on which the By-law takes effect;

To provide a yearly rate.

3. The By-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year for paying the debt and interest;

Sufficient in amount.

4. Such special rate shall be sufficient, according to the amount of rateable property appearing by the last revised Assessment-Rolls, to discharge the debt and interest when respectively payable;

Irrespective of future increase of rateable property.

5. The amount of rateable property shall be ascertained irrespective of any future increase of the rateable property of the Municipality, and of any income in the nature of tolls, interest or dividends, from the work, or from any stock, shares or interest in the work, upon which the money to be so raised or any part thereof is intended to be invested, and also irrespective of any income from the temporary investment of the sinking fund or of any part thereof;

Recitals in:—
amount and object of debt;
The yearly rate for the debt;

The value of the rateable property;

The yearly rate for Sinking Fund and interest.

6. The By-law shall recite: (1.) The amount of the debt which such new By-law is intended to create, and, in some brief and general terms, the object for which it is to be created; (2.) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest; (3.) The amount of the whole rateable property of the Municipality according to the last revised Assessment-Rolls; and, (4.) The annual special rate in the pound for paying the interest and creating an equal yearly sinking fund for paying the principal, of the new debt, according to this Act.

To be assented to by the rate-payers.

Exception as to Counties other than Cities.

223. Every By-law for raising upon the credit of the Municipality any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the Electors of the Municipality in the manner provided for in the 192nd section of this Act. Except that in Counties (other than Cities) the Council of such County or Counties may raise by By-Law or By-Laws, without submitting the same for the assent of the Electors of such County or Counties, for contracting debts or loans, any sum or sums, over and above the sums required for its ordinary expenditure, not exceeding in any one year twenty thousand dollars.

Course of proceeding by County Councils.

224. Provided that no such By-law of a County Council for contracting any such debt or loan for an amount, over and above the sums required for its ordinary expenditure, not exceeding in any one year twenty thousand dollars, shall be valid, unless

unless the same is passed at a meeting of the Council especially called for the purpose of considering the same, and held not less than three calendar months after a copy of such By-law at length as the same is ultimately passed, together with a notice of the day appointed for considering the same, has been published in some newspaper issued weekly or oftener within the County, or if there be no such public newspaper, then in a public newspaper published nearest to the County; which said notice may be to the effect following :

FORM OF NOTICE.

The above is a true copy of a proposed By-law to be taken into consideration by the Municipality of the County (or United Counties) of _____ at _____, in the said County (or United Counties) on the _____ day of _____, 18____, at the hour of _____ o'clock in the _____ noon, at which time and place the members of the Council are hereby required to attend for the purpose aforesaid. Form.

G. H.

Clerk.

PURCHASE OF PUBLIC WORKS.

225. (1.) Any Council may contract a Debt to Her Majesty, in the purchase of any of the Public Roads, Harbors, Bridges, Buildings or other Public Works in Upper Canada; and may execute such Bonds, Deeds, Covenants and other Securities to Her Majesty, as the Council may deem fit, for the payment of the price of any such Public Work already sold or transferred, or which may be sold or transferred, or agreed to be sold or transferred to such Municipal Corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass all necessary By-laws for any of the purposes aforesaid. And all such By-laws, Debts, Bonds, Deeds, Covenants and other Securities shall be valid although no Special or other Rate per annum has been settled or imposed to be levied in each year, as provided by the three last preceding sections of this Act; Municipal Councils may purchase Public Works, and contract debts without imposing a yearly rate as provided in the three last sections.

(2.) But any Council may in any By-law to be passed for the creation of any such Debt, or for the executing any such Bonds, Deeds, Covenants or other Securities as aforesaid, to Her Majesty, or in any other By-law to be passed by the Council, settle and impose a Special Rate per annum, of such amount as the Council may deem expedient, in addition to all other rates whatsoever, to be levied in each year upon the assessed rateable property within the Municipality, for the payment and discharge of such Debts, Bonds, Deeds, Covenants or other Securities, or some part thereof; and the By-law shall be valid, although the Rate settled or imposed thereby be less than is required by the said sections last mentioned; and the said sections shall, so far as applicable, apply Rates may be imposed for the payment of debts contracted with the Crown for such Works.

apply and extend to every such By-law, and the moneys raised or to be raised thereby, as fully in every respect as such provisions would extend or apply to any By-law enacted by any Council for the creation of any Debt, as provided in the said sections, or to the moneys raised or to be raised thereby.

HOW ACCOUNTS OF DEBTS AND RATES TO BE KEPT.

Two special accounts to be kept : 1, of the Special rates ; 2, of the Sinking Fund.

226. The Council of every County, Provisional Corporation, Township, City, Town and incorporated Village, shall keep in its books two separate Accounts, one for the Special Rate, and one for the Sinking Fund, of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted ; and shall keep the said Accounts, with any others that are necessary, so as to exhibit at all times the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof.

When surplus to be carried to the Sinking Fund Account.

227. If, after paying the interest of a debt and appropriating the necessary sum to the Sinking Fund of such debt for any financial year, there is a surplus at the credit of the Special Rate Account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest ; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the Sinking Fund Account of such debt.

HOW SURPLUS TO BE INVESTED.

How surplus to be disposed of.

228. Every such Council shall, from time to time, invest in Government securities or otherwise, as the Governor in Council directs, such part of the produce of the special rate levied in respect of any debt and at the credit of the Sinking Fund Account, or of the Special Rate Account thereof as cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable ; and the Council shall apply all interest or dividends received upon such investments to the same purpose as this Act directs the amount levied by the Special Rate to be applied, but it shall nevertheless be lawful for the Governor in Council by order to direct that said part of the produce of the Special Rate levied and at the credit of the Sinking Fund Account, or the Special Rate Account as aforesaid, instead of being so invested as aforesaid, shall, from time to time as the same shall accrue, be applied to the payment or redemption, at such value, not exceeding par, as the said Council can agree for, of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the Council shall thereupon apply and continue to apply said part of the produce of the Special Rate at the credit

Investment how to be made.

Application of moneys with consent of Governor in Council.

credit of the Sinking Fund or Special Rate Accounts as directed by such order.

APPROPRIATION OF SURPLUS.

229. Every such Council may appropriate to the payment of any debt the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the Treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the Sinking Fund of the debt.

Council may apply other funds towards such debts.

WHEN BY-LAWS CREATING DEBTS REPEALABLE.

230. When part only of a sum of money provided for by a By-law has been raised, the Council may repeal the By-law as to any part of the residue and as to a proportionate part of the Special Rate imposed therefor, provided the repealing By-law recites the facts on which it is founded, and is appointed to take effect on the thirty-first day of December in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the By-law is first approved by the Governor in Council;

When part only of a debt has been incurred, the By-law may be repealed *pro tanto*.

231. After a debt has been contracted, the Council shall not, until the debt and interest have been paid, repeal the By-law under which the debt was contracted, or any By-law for paying the debt or the interest thereon, or for providing therefor a rate or additional rate, or appropriating thereto the surplus income of any work or of any stock or interest therein, or money from any other source; and the Council shall not alter a By-law providing any such rate so as to diminish the amount to be levied under the By-law, except in the cases herein authorized, and shall not apply to any other purpose any money in the Corporation Treasury which, not having been previously otherwise appropriated by any By-law or Resolution, has been directed to be applied to such payment.

By-laws not repealable and appropriations not revocable till debt paid.

WHEN SPECIAL RATE MAY BE REDUCED.

232. In case the special rate imposed for the payment of a debt, and collected for any particular year, or on hand from previous years, with such sums as are derived for such particular year from the surplus income of any work, or of any share or interest therein applicable to the Sinking Fund of the debt, or from the temporary investment of the Sinking Fund of the debt, or any part of it, and respectively carried to the credit of the Sinking Fund for such particular year, amount together, or in case any of them singly or together amount to more than the annual sum required to be raised as a special rate to pay the debt and interest,

When the rate imposed by By-law may be reduced by By-law.

interest, and therefore leave a surplus after paying the interest and making the necessary appropriation to the Sinking Fund of the debt, for such year—the Council may pass a By-law reducing the total amount to be levied under the original By-law for the following year to a sum not less than the difference between such last mentioned surplus and the annual sum which the original By-law named and required to be raised as a special rate.

Recitals requisite in such By-law.

233. But the By-law shall not be valid—unless it recites:

1. The amount of the special rate imposed by the original By-law ;
2. The balance of such rate for the particular year or on hand from former years ;
3. The surplus income of the work, share or interest therein received for such year ; and
4. The amount derived for such year from any temporary investment of the Sinking Fund—

Reduced rate to be named.

Nor unless the By-law names the reduced amount in the pound to be levied under the original By-law—

To be approved of by the Governor.

Nor unless the By-law is afterwards approved by the Governor in Council.

ANTICIPATORY APPROPRIATIONS.

Anticipatory appropriations may be made.

234. In case any Council desires to make an Anticipatory Appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the Council may do so, by By-law, in the manner and subject to the provisions and restrictions following :

What Fund may be so appropriated.

1. The Council may carry to the credit of the Sinking Fund Account of the debt, as much as necessary for the purpose aforesaid ;

(1.) Of any money at the credit of the Special Rate Account of the debt beyond the interest on such debt for the year following that in which the Anticipatory Appropriation is made ;

(2.) And of any money raised for the purpose aforesaid by additional rate or otherwise ;

(3.) And of any money derived from any temporary investment of the Sinking Fund ;

(4.)

(4.) And of any surplus money derived from any corporation work or any share or interest therein ;

(5.) And of any unappropriated money in the Treasury ;

Such moneys respectively not having been otherwise appropriated ;

2. The By-law making the appropriations shall distinguish the several sources of the amount and the portions thereof to be respectively applied for the interest and for the Sinking Fund Appropriation of the debt for such next ensuing year ; The sources to be distinguished.

3. In case the money so retained at the credit of the Special Rate Account and so appropriated to the Sinking Fund Account, from all or any of the sources above mentioned, are sufficient to meet the Sinking Fund Appropriation and interest for the next ensuing year, the Council may then pass a By-Law directing that the original rate for such next ensuing year be not levied. When sufficient, the yearly rate may be suspended for the future year.

235. The By-law shall not be valid unless it recites :

1. The original amount of the debt, and in brief and general terms, the object for which the debt was created ; The By-law to recite the original debt.

2. The amount, if any, already paid of the debt ; The amount paid.

3. The annual amount of the Sinking Fund Appropriation required in respect of such debt ; The amount of Sinking Fund yearly.

4. The total amount, then on hand, of the Sinking Fund Appropriations, in respect of the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested ; The amount in hand.

5. The amount required to meet the interest of the debt, for the year next after the making of such Anticipatory Appropriation ; and The amount required for next year's interest.

6. That the Council has retained at the credit of the Special Rate Account of the debt, a sum sufficient to meet the next years' interest (naming the amount of it), and that the Council has carried to the credit of the Sinking Fund Account a sum sufficient to meet the Sinking Fund Appropriation (naming the amount of it) for such year ; and And that it is reserved.

7. No such By-law shall be valid unless approved by the Governor in Council. By-law to be approved by Governor.

236. After the dissolution of any Municipal Union, the Senior Municipality may make an Anticipatory Appropriation After the dissolution of a
for

Union, the Senior Municipality may relieve the Junior by an anticipatory appropriation.

for the relief of the Junior Municipality, in respect of any debt secured by By-law in the same manner as the Senior Municipality might do on its own behalf.

REPORT OF DEBTS TO BE MADE YEARLY.

Every Council to make a yearly report of the state of the debts to the Governor, &c.

237. Every Council shall, on or before the thirty-first day of January in each year, transmit to the Governor General, through the Provincial Secretary, an account of the several debts of the Corporation, as they stood on the thirty-first day of December preceding, specifying in regard to every debt of which a balance remained due at that day :

1. The original amount of the debt ;
2. The date when it was contracted ;
3. The days fixed for its payment ;
4. The interest to be paid therefor ;
5. The rate provided for the redemption of the debt and interest ;
6. The proceeds of such rate for the year ending on such thirty-first day of December ;
7. The portion (if any) redeemed of the debt during such year ;
8. The amount of interest (if any) unpaid on such last mentioned day ; and
9. The balance still due of the principal of the debt.

The Governor may prescribe a form of account.

238. The form of the account may from time to time be prescribed by the Governor in Council.

COMMISSIONS OF INQUIRY RESPECTING MUNICIPAL FINANCES.

When a commission of inquiry may issue.

239. In case one third of the members of any Council petition for a Commission to issue under the Great Seal, to inquire into the financial affairs of the Corporation and things connected therewith, and if sufficient cause be shewn, the Governor in Council may issue a Commission accordingly, and the Commissioner or the Commissioners, or such one or more of them as the Commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any Court has in civil cases.

240. The expense to be allowed for executing the Commission shall be determined and certified by the Inspector General or his Deputy, and shall become thenceforth a debt due to the Commissioner or Commissioners by the Corporation, and shall be payable within three calendar months after demand thereof made by the Commissioner, or by any one of the Commissioners, at the office of the Treasurer of the Corporation.

Expenses of such Commissions provided for.

PROVISIONS APPLICABLE TO ALL MUNICIPALITIES EXCEPT PROVISIONAL CORPORATIONS.

241. The following Section applies to all Municipalities, namely :

Sections applicable to all, except Provisional Councils :

- | | | |
|---|--|--|
| <ul style="list-style-type: none"> 1. Counties, 2. Townships, 3. Cities, | | <ul style="list-style-type: none"> 4. Towns, and 5. Incorporated Villages. |
|---|--|--|

242. The Council of every County, Township, City, Town and Incorporated Village may respectively pass By-laws :

Council may make By-laws :

OBTAINING PROPERTY.

1. For obtaining such real and personal property as may be required for the use of the Corporation, and for erecting, improving and maintaining a Hall and any other houses and buildings required by and being upon the land of the Corporation, and for disposing of such property when no longer required ;

For obtaining property, real and personal, &c.

APPOINTING CERTAIN OFFICERS.

2. For appointing such,—

To appoint officers;

- | | | |
|--|--|---|
| <ul style="list-style-type: none"> (1.) Pound-keepers ; (2.) Fence-Viewers ; | | <ul style="list-style-type: none"> (3.) Overseers of Highways ; (4.) Road Surveyors ; |
|--|--|---|

(5.) And other officers as are necessary in the affairs of the Corporation, or for carrying into effect the provisions of any Act of the Legislature for the removal of such officers.

3. For regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties ;

To fix fees and securities ;

AIDING AGRICULTURAL AND OTHER SOCIETIES.

4. For granting money or land in aid of the Agricultural Association of Upper Canada or of any duly organized Agricultural or Horticultural Society in Upper Canada, or of the Board of Arts and Manufactures for Upper Canada, or of any incorporated Mechanics' Institute within the Municipality ;

For aiding agricultural societies ;

CENSUS.

Local census. 5. For taking a Census of the inhabitants, or of the resident Male freeholders and householders of the Municipality ;

FINES AND PENALTIES.

Fines and penalties for neglect of duty. 6. For inflicting reasonable fines and penalties not exceeding Fifty Dollars exclusive of costs,—

(1.) Upon any person for the non-performance of his duties who has been elected or appointed to any Office in the Corporation, and who has accepted such Office and taken the oaths, and afterwards neglects the duties thereof ; and

(2.) For breach of any of the By-laws of the Corporation ; and

7. For collecting such penalties by distress and sale of the goods and chattels of the offender ;

Imprisonment when allowed, and time of. 8. For inflicting reasonable punishment, by imprisonment with or without hard labour either in a Lock-up-house in some Town or Village in the Township, or in the County Gaol or House of Correction for any period not exceeding Twenty-one days, for breach of any of the By-laws of the Council in case of non-payment of the Fine inflicted for any such breach, and there being no distress found out of which such fine can be levied.

PROVISIONS APPLICABLE TO TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.

What sections shall so apply. 243. The following Sections numbered from 244. to 254 shall apply to the following Municipalities, namely :

- | | | |
|---------------|--|---------------------------|
| 1. Townships, | | 3. Towns, and |
| 2. Cities, | | 4. Incorporated Villages. |

PUBLIC HEALTH.

Members of Council to be Health Officers. 244. The Members of every Township, City, Town and Incorporated Village Council shall be Health Officers within their respective Municipalities, under the Statute of Upper Canada, passed in the fifth year of the reign of His late Majesty, King William the Fourth, intituled, *An Act to promote the Public Health and to guard against infectious diseases in this Province*, and under any Act hereafter passed for the like purpose ; but any such Council may by By-law delegate the powers of its members as such Health Officers to a committee of their own number, or to such persons, either including or not including some of themselves, as the Council thinks best.

245. The Council of every Township, City, Town and Incorporated Village may respectively pass By-laws :

Council may
make By-
laws :

SHOP AND TAVERN LICENSES.

1. For granting Tavern Licenses (that is licenses for the retail of spirituous, fermented or other manufactured liquors to be drunk in the Inn, Ale-house, Beer-house or other house, or place of public entertainment in which the same is sold), and for granting shop licenses, (that is licenses for the retail of such liquors in Shops, Stores or places other than Inns, Ale-houses, Beer-houses or places of public entertainment ;

For retailing
intoxicating
liquors.

2. For declaring the terms and conditions required to be complied with, by an applicant for a Tavern license, and the security to be given by him for observing the same ;

Terms on
which license
may be grant-
ed.

3. For declaring the security to be given by any applicant for a Shop or Tavern License, for observing the By-laws of the Municipality ;

Security to be
given.

4. For limiting the number of Tavern and Shop licenses respectively ;

Number may
be limited.

5. For regulating the houses or places licensed, the time the licenses are to be in force, not exceeding one year, and the sums to be paid therefor respectively.

Regulation of
public houses.

PROHIBITED SALE OF SPIRITUOUS LIQUORS.

6. For prohibiting the sale by retail of spirituous, fermented or other manufactured liquors in any Inn or other House of public entertainment ; and for prohibiting the sale thereof in Shops and places other than houses of public entertainment ; Provided the By-law, before the final passing thereof, has been duly approved by the Electors of the Municipality in the manner provided by this Act ;

Sale of liquors
in shops or
taverns may
be prohibited.

246. The sum to be paid for a Tavern license shall include as well the duty payable under the Imperial Statute passed in the fourteenth year of the Reign of King George the Third, intitled, *An Act to establish a fund towards defraying the charges of the administration of Justice and the support of the Civil Government within the Province of Quebec*, as the duty payable under any Act passed in the present or any future session of the Parliament of this Province, and shall not be less than Twenty-five dollars, and every license so granted as aforesaid shall be held a license for the purpose of the said Imperial Act, and the sum paid for the License shall be applied to the use of the Corporation ; But no By-law by which a greater sum than one hundred dollars per annum is intended to be exacted

The sums to
be paid for
licenses.

Sum to in-
clude the Im-
perial duty
and that under
22 V. c. 76.

Sum not
to exceed £25,

unless approved by public vote, &c.

exacted for any Shop or Tavern License, or for leave to exercise any other calling, or to do any other thing for which a License may be required, shall have force or effect, unless the By-law before the final passing thereof has been duly approved by the electors of the Municipality in the manner provided by this Act; and the By-law shall not be varied or repealed unless the By-law for that purpose has been duly approved in like manner by the Electors of the Municipality.

SHOP AND TAVERN LICENSES.

No license required to sell in the original packages.

247. No Tavern or Shop license shall be necessary for selling any liquors in the original packages in which the same have been received from the importer or manufacturer; Provided such packages contain respectively not less than five gallons, or one dozen bottles.

Tavern keepers may sell to be consumed out of the house.

248. Any person having a Tavern license may, without any additional license, sell liquors by retail to be consumed out of his house, in the same quantities as if to be consumed in the house.

Tavern keepers to exhibit notice of being licensed.

249. Every person who keeps a Tavern or other house or place of public entertainment, and has a Tavern License, shall exhibit over the door of such Tavern, House or place, in large letters, the words "Licensed to sell Wine, Beer and other Spirituous or Fermented Liquors," under a penalty in default of so doing of one dollar, recoverable with costs before any Justice of the Peace upon the oath of one credible witness; one half of which penalty shall go to the Informer and the other half to the Municipality.

Shop licenses not to authorize sale of liquors to be consumed in the house.

250. No licensed Shop-keeper, or other person having a Shop License, shall allow any Liquors sold by him and for the sale of which a license is required, to be consumed within his Shop, or within the building of which such Shop is a part, either by the purchaser thereof or by any other person not usually resident within such building.

Penalties recoverable before two justices of the Peace.

251. All prosecutions for penalties incurred by persons vending Wine, Rum, Brandy or other Spirituous Liquors, Beer, Ale, Cider or other fermented or manufactured Liquors without License, shall be recoverable with costs before any two or more Justices of the Peace having jurisdiction in the Municipality in which the offence is committed upon the oath of one credible witness, one half of which penalty shall go to the informer and the other half to the Municipality.

INSPECTORS OF LICENSES.

252. The Council of every Township, City, Town or Incorporated Village, may respectively pass By-laws:

1. For appointing annually one or more fit and proper persons, possessing the same property qualification as that required for the Councillors of the Municipality, to be Inspectors of Shop and Tavern Licenses, who shall hold office during the current year, and any vacancy occurring during the year shall be filled by the Council, for the remainder of such year ;

Appointment of Inspectors of Shop and Tavern Licenses.

Term of office.

2. For fixing and defining the duties, powers and privileges of the Inspectors so appointed ; the remuneration they shall receive ; and the security to be given by them for the efficient discharge of the duties of their office ; such By-laws not being contrary to law.

Duties and remuneration of.

Security.

253. Any Inspector of Licenses may, in his discretion (but subject to any By-law of the Municipality,) endorse on any license permission to the person holding the license, to sell the liquors mentioned in his License at any place out of his house, or to remove from the house licensed to another house to be described in the indorsement and situate within the same Municipality, and such permission shall authorize the holder thereof to sell such Liquors in the House mentioned in the endorsement during the unexpired portion of the term for which the License was granted, and upon the same terms and conditions ; And any Bond or security which such holder may have given for any purpose relative to such license, shall apply to the house or place to which such removal has been authorized.

Inspectors may endorse licenses to authorize sale of liquors elsewhere than in the house.

254. Every Council of a Township, City, Town or Incorporated Village may also pass By-laws :

BILLIARD TABLES.

1. For licensing, regulating and governing all persons who, for hire or gain directly or indirectly, keep, or have in their possession, or on their premises, any Billiard Table, or who keep or have a Billiard Table in a house or place of public entertainment or resort, whether such Billiard Table is used or not, and for fixing the sum to be paid for a License so to have or keep such Billiard Table, and the time such License shall be in force ;

Billiard Tables to be licensed.

VICTUALLING HOUSES, &c.

2. For limiting the number of and regulating Victualling Houses, ordinaries, and houses where fruit, oysters, clams, or victuals are sold to be eaten therein, and all other places for the reception, refreshment or entertainment of the public ; and

Victualling houses, number and regulation of.

3. For licensing the same when no other provision exists therefor, and for fixing the rates of such Licenses not exceeding Twenty dollars.

License and fee for same.

LICENSES HOW LONG TO CONTINUE.

Licenses when not required to be renewed.

255. In case any By-law respecting Licenses is repealed, altered or amended, no person shall be required to take out a new license or to pay any additional sum upon his license during the time for which the same has been granted to him.

LICENSE FEES.

License fees to belong to Municipality.

256. All sums of money levied for licenses over and above the sum payable to the Province, by way of duty, shall belong to the Corporation of the Municipality in which they are levied.

DISORDERLY INNS.

How keepers of disorderly Inns to be proceeded against.

257. The Mayor or Police Magistrate of a Town or City, with any one Justice of the Peace having Jurisdiction therein, or the Reeve of a Township or Village with any one Justice of the Peace having Jurisdiction in the Township or Village, upon complaint made on oath to them, or one of them respectively, of riotous or disorderly conduct in any Inn, Tavern, Ale or Beer house situate within their jurisdiction, may summon the keeper of the Inn, Tavern, Ale or Beer House, to answer the complaint, and may investigate the same summarily, and either dismiss the complaint with costs to be paid by the complainant, or convict the keeper of having a riotous or disorderly house, and annul his license, or suspend the same for not more than sixty days, with or without costs, as in their discretion may seem just.

LAND MARKS AND BOUNDARIES.

Land marks and monuments to mark boundaries.

12¹/₂ V. c. 35.

258. In case the Council of any Township, City, Town or Incorporated Village adopts a resolution on the application of one half of the resident landholders to be affected thereby, that it is expedient to place durable monuments at the front or rear of any concession or range or part thereof in the municipality, or at the front and rear angles of the lots therein, the Council may apply to the Governor in the manner provided for in the thirty-first section of the Act passed in the twelfth year of Her Majesty's Reign chapter thirty-five, praying him to cause a survey of such concession or range, or such part thereof, to be made and such monuments to be placed under the authority of the Commissioner of Crown Lands, and the person or persons making the survey shall accordingly plant stone or other durable monuments at the front or at the rear of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every lot therein, (as the case may be,) and the limits of each lot so ascertained and marked, shall be the true limits thereof; and the costs of the survey shall be defrayed in the manner prescribed by the said Statute.

259. The Council of every Township, City, Town or Incorporated Village may also pass By-laws :

Certain Councils may pass By-laws, for--

PROVISION FOR ESTABLISHING BOUNDARIES.

1. For procuring the necessary estimates, and making the proper application for ascertaining and establishing the boundary lines of the Municipality, according to law, in case the same has not been done ; and for erecting and providing for the preservation of the durable monuments required to be erected for evidencing the same ;

Ascertaining and marking boundaries of Townships.

SCHOOLS.

2. For obtaining such real property as may be required for the erection of Common School Houses thereon and for other Common School purposes, and for the disposal thereof when no longer required ; and for providing for the establishment and support of Common Schools according to law ;

Acquiring land for schools.

CEMETERIES.

3. For accepting or purchasing land for public cemeteries, as well within as without the Municipality, and for laying out, improving and managing the same ; but no land shall be accepted or purchased for such purpose except by a By-law declaring in express terms that the land is appropriated for a public cemetery and for no other purpose ; and thereupon such land, although without the Municipality, shall become part thereof, and shall cease to be part of the Municipality to which it formerly belonged ; and such By-law shall not be repealed ;

For establishing cemeteries.

4. For selling or leasing portions of such land for the purpose of interment in family vaults or otherwise, and for declaring in the conveyance the terms on which such portions shall be held ;

For selling portions thereof on limited terms.

CRUELTY TO ANIMALS.

5. For preventing Cruelty to animals ; and for preventing the destruction of birds, the By-laws for these purposes not being inconsistent with any Statute in that behalf ;

Preventing cruelty to animals.

DOGS.

6. For imposing a tax on the owners, possessors or harbourers of dogs ;

Tax on dogs.

7. For killing dogs running at large contrary to the By-laws ;

Killing dogs.

FENCES.

FENCES.

Height of
Fences.

8. For settling the height and description of lawful fences ;

DIVISION FENCES.

Of division
fences.

9. For regulating the height, extent and description of lawful division fences ; and for determining how the cost thereof shall be apportioned ; and for directing that any amount so apportioned shall be recovered in the same manner as penalties not otherwise provided for may be recovered under this Act ; Provided that until the By-laws are made, the Statute eighth Victoria chapter twenty shall continue applicable to the Municipality ;

WEEDS.

Destruction of
weeds.

10. For preventing the growth of weeds detrimental to good husbandry ;

EXHIBITIONS, SHOWS, &C.

Licensing
Public Shows.

11. For preventing or regulating and licensing exhibitions of Wax Work, Menageries, Circus riding and other such like shows usually exhibited by showmen, and for requiring the payment of License fees for authorizing the same, not exceeding one hundred dollars for every such License, and for imposing fines upon persons infringing such By-Laws, and for levying the same by distress and sale of the goods and chattels of such showman or belonging to or used in such Exhibition whether owned by such showman or not, or for the imprisonment of such offenders for any term not exceeding one calendar month ;

GRAVES.

Protecting
graves.

12. For preventing the violation of cemeteries, graves, tombs tombstones or vaults where the dead are interred ;

INJURIES TO PRIVATE PROPERTY AND NOTICES.

Ornamental
trees.

13. For preventing the injuring or destroying of trees planted or preserved for shade or ornament ;

Signs.

14. For preventing the pulling down or defacing of sign-boards, and of printed or written notices ;

GAS AND WATER.

Authorizing
Gas and
Water Com-
panies to lay
down pipes,
&c.

15. For authorizing any Corporate Gas or Water Company to lay down pipes or conduits for the conveyance of water or gas under streets or public squares, subject to such regulations as the Council sees fit ; and

STOCK IN.

16. For acquiring stock in, or lending money to, any such Company; and for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by, the Company; Provided the By-law is consented to by the Electors, as hereinbefore provided.

Taking Stock in Gas and Water Companies.

260. The Head of any Corporation holding Stock in any such Company to the amount of two thousand five hundred pounds shall be *ex officio* a Director of the Company in addition to the other Directors thereof, and shall also be entitled to vote on such Stock at any Election of Directors.

Head of Corporation to be a Director.

PROVISIONS APPLICABLE TO TOWNSHIPS AND COUNTIES.

261. The following Section applies to Townships and Counties :

262. The Council of every Township and County may pass By-laws for paying the Members of the Council for their attendance in Council, at a rate not exceeding one dollar and fifty cents per diem.

Remunerating Councilors limited.

PROVISIONS APPLICABLE TO TOWNSHIPS ONLY.

263. The following Sections numbered 264 to 271 apply to Townships only :

TOWNSHIP WARDS.

264. In case one hundred of the qualified Electors of a Township on the last revised Assessment-Roll do, by Petition in writing signed by them, apply to the Council of the Township to divide the Township into Wards, if not already so divided, the Council shall, within one month thereafter, pass a By-law to give effect to the Petition, and shall in the By-law recite the Petition, and also the present section of this Act, and shall declare that the By-law is passed in compliance with the prayer of the Petition, and shall therein define the boundaries of the several Wards; and the By-law shall take effect on the first day of December next after one month from the date of its first publication in some newspaper published in the County or Union of Counties in which the Township is situated, or by printed hand-bills posted in at least twenty public places in the Township.

Wards how to be formed upon Petitions of one hundred of the Electors.

265. The Council shall so arrange the Wards that they may be as compact, and contain as nearly an equal number of Electors as may consist with the convenience of the inhabitants, the number of Wards being five in all cases.

Duty of Council in the formation of Wards.

266.

No. to be five.

To pass a By-law.

What it shall recite.

266. The Council of any Township may from time to time, without any such Petition, pass By-laws to divide the Township into Wards, or, in case of a Township already divided into Wards, to alter or abolish such division: And in case any such By-law, whether petitioned for or not, is passed with the concurrent votes of at least four members, it shall take effect on the first day of December next after one month from its first publication in some newspaper published in the County or Union of Counties in which the Township is situate, or by printed hand-bills posted in at least twenty public places in the Township.

When the By-law shall take effect.

267. In case the By-law, when not petitioned for as hereinbefore provided, is passed with the concurrent votes of only three members, it shall take effect on the first day of December next, after it has been approved by a majority of the Electors of the Township who shall vote thereon, at a special vote to be taken for that purpose under the following regulations:

Publication of By-law.

1. The Reeve of the Township shall, within ten days after the passing of the By-law, cause the same to be published for one month in some newspaper within the County or Union of Counties within which the Township is situate, or by posting printed copies thereof in hand-bill form in at least twenty public places in the Township, and shall also at the same time and in connection therewith, and in like manner, publish a notice of the time when, and place or places where the By-law will be submitted to a vote of the Electors of the Township;

And notice of its submission to Electors.

Vote of Electors thereon.

2. Such vote shall not be taken in less than one month after the first publication of the By-law, nor shall it be at a later period than the next annual Municipal Election, and if not taken at the annual Municipal Election, it shall be taken in like manner and at the place or places where the last annual Municipal Election was held, and by the Returning Officer or Officers who conducted such last annual Election; and in case of the death or incapacity of any such Returning Officer, another shall be appointed for that purpose by the Reeve;

Copies of By-law to Returning Officers.

3. The Reeve of the Township shall cause a certified copy of the By-law to be delivered to the Returning Officer of the Township, or of each Ward or Electoral Division thereof, (as the case may be) before the time appointed for taking such vote;

When the By-law is for division into Wards.

4. Where the By-law is for a division into Wards, or for an alteration of an existing division, the Returning Officer shall, at the commencement of the time appointed for taking the vote and during its continuance, cause fair copies of the By-law to be kept for public inspection in four conspicuous places about the place where the poll is held;

5. The Returning Officer shall insert appropriate columns in the Poll-Books, headed : Form of Poll Books.

- " For the division into Wards," and
- " Against the division into Wards ;" or
- " For the alteration of the division into Wards," and
- " Against the alteration of the division into Wards ;" or
- " For the abolishing of Wards," and
- " Against the abolishing of Wards ;"

And shall, in such columns, while the Poll for the Election of Councillors is open, receive and record the Votes of Electors tendered for and against the By-law ;

6. The Returning Officer or Returning Officers shall, within three days after such vote has been taken, return the Poll-Books properly certified to the Reeve of the Township, who shall within one week thereafter examine the returns of the votes for and against the By-law, and give public notice of the result. Certified Poll Books to be returned to the Reeve.

ELECTORAL DIVISIONS.

268. Whenever a Township is not divided into Wards the Council may from time to time pass By-laws for dividing the Township into two or more convenient electoral divisions for establishing polling places therein and for appointing Returning Officers therefor, and may from time to time repeal or vary the same. Electoral Divisions in townships not divided into Wards.

POOR.

269. Every Township Council may also make By-laws for raising money by a rate to be assessed equally on the whole rateable property of the Township, for the support of the poor resident in the Township. By-laws for the relief of the poor, when and how they may be passed.

OBSTRUCTIONS TO STREAMS AND WATERCOURSES.

270. Every Township Council may also make By-laws for preventing the obstruction of streams, creeks and water-courses by trees, brushwood, timber or other materials, and for clearing way and removing such obstructions at the expense of the guilty parties or otherwise, and for levying the amount of such expense in the same manner as taxes are levied, and for imposing penalties on parties causing such obstructions. By-laws for preventing obstruction of Streams, &c.

DRAINAGE IN TOWNSHIPS.

271. In case a majority in number of the resident owners of the property in any part of a Township do petition the Council for Drainage.

- Plans and estimates.** for the draining of the property (describing it), the Council may procure an examination to be made by a competent Engineer of the property proposed to be drained, and may procure plans and estimates to be made of the work by the Engineer ;
- By-law.** **272.** If the Council is of opinion that the draining of the locality described would greatly benefit the Township, the Council may pass a By-law :
- Its provisions.** 1. For providing for the draining of the locality ;
- Assessment for expenses.** 2. For assessing and collecting from the proprietors of the several lands immediately benefitted by the draining, so much of the cost thereof, and of procuring the examination, plans and estimates to be made, and of all other expenses incident to the work, as may not exceed the benefit the lands respectively derive from such draining, and in proportion, as nearly as may be, to the benefit to each of the proprietors therefrom ;
- Time of paying.** 3. For regulating the time or times and manner in which the assessment is to be paid ;
- Ascertaining property benefitted.** 4. For ascertaining and determining, through the Engineer, what real property will be immediately benefitted by the draining, and the proportions in which the assessment should be made on the various portions of the lands so benefitted, and subject in every case to an appeal to the Court of Revision and the County Court Judge, in the same manner and on the same terms, as nearly as may be, as in the case of an ordinary assessment ;
- Publication of By-law.** 5. But the By-law shall not be valid, unless, before the final passing thereof, the same is published once or oftener in every week, for three months, in some newspaper published in the Township, or if no newspaper is published therein, then in some newspaper published in the nearest Municipality in which a newspaper is published.

**PROVISIONS APPLICABLE TO COUNTIES, CITIES,
AND TOWNS.**

What sections so to apply. **273.** The following Sections numbered 274 and 275 apply to the following Municipalities :

1. Counties,
2. Cities,
3. Towns.

INSPECTORS OF WEIGHTS AND MEASURES.

274. The Council of every County, City and Town, may pass By-laws :

1. For appointing Inspectors to regulate weights and measures, according to the lawful standard ;

Inspectors of weights and measures : their powers.

2. For visiting all places wherein weights and measures, steel-yards, or weighing machines of any description, are used ;

3. For seizing and destroying such as are not according to the standard ;

4. For imposing and collecting penalties upon persons who are found in possession of unstamped or unjust weights, measures, steel-yards, or other weighing machines.

PUBLIC MORALS.

275. The Council of every County, City and Town may also pass By-laws :

By-laws for other purposes.

1. For enforcing the due observance of the Sabbath according to law ;

2. For preventing the sale or gift of intoxicating drink to a child, apprentice or servant without the consent of a parent, master or legal protector ;

3. For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or public places ;

4. For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency in streets, highways or public places ;

5. For suppressing tippling houses and houses of ill-fame ;

6. For preventing or regulating horse racing ;

7. For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys, and other places of amusement ;

8. For suppressing gambling houses, and for seizing and destroying faro-banks, rouge et noir, roulette tables, and other devices for gambling found therein ;

9. For restraining and punishing vagrants, mendicants and persons found drunk or disorderly in any street, highway or public place ;

10. For preventing indecent public exposure of the person and other indecent exhibitions ;

11. For preventing or regulating the bathing or washing the person in any public water near a public highway.

PROVISIONS APPLICABLE TO COUNTIES AND CITIES.

Extent of section 276.

276. The following Sections numbered from 277 to 280 to apply to the following Municipalities :

1. Counties, and
2. Cities.

By-laws for regulating—

277. The Council of every County and City may respectively pass By-laws for the following purposes :

ENGINEERS—INSPECTORS.

Engineers, and

1. For appointing in addition to other officers, one or more Engineers, and also one or more Inspectors of the House of Industry, also one or more Surgeons of the Gaol and other institutions under the charge of the Municipality, and for the removal of such officers ;

AUCTIONEERS.

Auctioneers.

2. For licensing, regulating and governing Auctioneers and other persons selling or putting up for sale goods, wares, merchandize or effects by public auction ; and for fixing the sum to be paid for every such License, and the time it shall be in force ;

HAWKERS AND PEDLARS.

Hawkers and pedlars.

3. For licensing, regulating and governing hawkers or petty chapmen, and other persons carrying on petty trades, who have not become householders or permanent residents in the County or City, or who go from place to place or to other men's houses, on foot, or with any animal bearing or drawing any goods, wares or merchandize for sale, or in or with any boat, vessel, or other craft or otherwise, carrying goods, wares or merchandize for sale, and for fixing the sum to be paid for a license for exercising such calling within the County or City, and the time the license shall be in force ; and for providing the Township Clerks with licenses in this and the previous section mentioned

mentioned, for sale to parties applying for the same in the Township under such regulations as may be prescribed in such By-Law; but no duty shall be imposed for hawking or peddling any goods, wares or merchandize, the growth, produce or manufacture of this Province, not being liquors mentioned in the 245th Section of this Act;

FERRIES.

4. For regulating Ferries between any two places in the Municipality; and establishing the rates of ferriage to be taken thereon; but no such By-law as to Ferries, shall have effect until assented to by the Governor in Council. Ferries.

278. Until the Council of the County or City pass a By-law regulating such Ferries, and in the cases of ferries not between two places in the same Municipality, the Governor by Order in Council may from time to time regulate such ferries respectively and establish the rates to be taken thereon, in accordance with the Statutes in force relating to Ferries. Where there is no By-law.

279. The Council of every County and City may pass By-laws for the following purposes: By-laws may be made by Cities and Counties, for—

LANDS FOR GRAMMAR SCHOOLS.

1. For obtaining in such part of the County, or of any City within the County, as the wants of the people may most require, the real property requisite for erecting County Grammar School Houses thereon, and for other Grammar School purposes, and for preserving, improving and repairing such School Houses, and for disposing of such property when no longer required; Purchase of lands for Grammar Schools.

AIDING GRAMMAR SCHOOLS.

2. For making provision in aid of such Grammar Schools as may be deemed expedient; Aiding such school.

PUPILS COMPETING FOR UNIVERSITY PRIZES.

3. For making a permanent provision for defraying the expense of the attendance at the University of Toronto, and at the Upper Canada College and Royal Grammar School there, of such of the Pupils of the Public Grammar Schools of the County as are unable to incur the expense but are desirous of, and, in the opinion of the respective Masters of such Grammar Schools, possess competent attainments for, competing for any Scholarship, Exhibition or other similar Prize, offered by such University or College; Grammar school pupils competing for University prizes.

4. For making similar provision for the attendance at any County Grammar School, for like purposes, of Pupils of the Common Schools of the County; Attendance at grammar schools.

ENDING

ENDOWING FELLOWSHIPS.

Endowing
Fellowships.

5. For endowing such Fellowships, Scholarships or Exhibitions, and other similar Prizes, in the University of Toronto, and in the Upper Canada College and Royal Grammar School there, for competition among the Pupils of the Public Grammar Schools of the County, as the Council deems expedient for the encouragement of learning amongst the youth thereof.

PROVISIONS APPLICABLE TO COUNTIES ONLY.

Extent of sec-
tions 281 to
285.

280. The following sections numbered from 281 to 285 apply to Counties only :

SEPARATE IMPROVEMENTS BY UNITED COUNTIES.

One of united
counties may
make im-
provements
with union
funds.

281. The Councils of United Counties may make appropriations and raise funds, to enable either County separately to carry on such improvements as may be required by the inhabitants thereof.

Reeves of the
County inter-
ested only to
vote for.

282. Whenever any such measure is brought under the notice of the Council of any United Counties, none but the Reeves and Deputy Reeves of the County to be affected by the measure shall vote ; except in case of an equality of votes for or against the measure, when the Warden, whether a Reeve or Deputy Reeve of any portion of the County to be affected by the measure or not, shall have the casting vote.

Provisions of
this Act
for repay-
ment to ap-
ply.

283. In all other respects, all the provisions of this Act, giving such privileges and making provision for the payment of the amounts appropriated, whether to be borrowed upon a loan or to be raised by direct taxation, shall be adhered to.

Treasurer to
pay over
moneys, with-
out deduction.

284. The Treasurer of the United Counties shall pay over all sums so raised and paid into his hands by the several Collectors without any deduction for percentage.

In such cases
the property
of the County
interested is
alone to be
assessed.

285. The property to be assessed for the purposes contemplated in the four last preceding sections of this Act, shall be the same as the property assessed for any other County purpose, except that any sum to be raised for the purposes of one County only, or for the payment of any debt contracted for the purposes of one County only, shall be assessed and levied solely upon property assessed in that County, and not upon property in any other County united with it.

PROVISIONS APPLICABLE TO CITIES, TOWNS AND INCORPORATED VILLAGES.

286. The following section applies to the following Municipalities : Extent of section 287.

1. Cities,
2. Towns, and
3. Incorporated Villages.

287. The Council of every City, Town and Incorporated Village may respectively pass By-laws for the following purposes : By-laws may be made—

HARBOURS, DOCKS, &c.

1. For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water ; For the cleanliness of streets, &c.

2. For directing the removal of door steps, porches, railings or other erections, or obstructions projecting into or over any wharf, dock, slip, drain, sewer, bay, harbour, river or water or the banks or shores thereof, at the expense of the proprietor or occupant of the property connected with which such projections are found ; For removal of door steps, &c.

3. For making, opening, preserving, altering, improving and maintaining public wharves, docks, slips, shores, bays, harbours, rivers or waters and the banks thereof ; Wharves, docks, &c.

4. For regulating Harbours, for preventing the filling up or encumbering thereof ; for erecting and maintaining the necessary beacons, and for erecting and renting wharves, piers and docks therein and also floating elevators derricks, cranes and other machinery suitable for loading, discharging or repairing Vessels ; for regulating the vessels, crafts, and rafts, arriving in any Harbour ; and for imposing and collecting such reasonable Harbour dues thereon as may serve to keep the Harbour in good order, and to pay a Harbour Master ; For regulating harbours, &c.

WATER.

5. For establishing, protecting and regulating public wells, reservoirs and other conveniences for the supply of water ; and for making reasonable charges for the use thereof ; and for preventing the wasting and fouling of public water ; For supplying water, &c.

MARKETS.

6. For establishing markets ;

Markets.

- For regulat-
ing markets.
Old markets
continued.
7. For regulating all markets established and to be established; the places however already established as markets in such Municipality, shall continue to be markets, and shall retain all the privileges thereof until otherwise directed by competent authority; and all market reservations or appropriations heretofore made in any such Municipality, shall continue to be vested in the Corporation thereof;
- Regulating
vending in
streets.
8. For preventing or regulating the sale by retail in the public streets, of any meat, vegetables, fruit or beverages;
- Vending in
open air.
9. For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed in the open air;
- Sale of
Butcher's
meat.
10. For regulating the place and manner of selling and weighing butcher's meat, fish, hay, straw, fodder, wood, and lumber;
- Preventing
forestalling.
11. For preventing the forestalling, regrating or monopoly of market grains, meats, fish, fruits, roots and vegetables;
- Regulating
Hucksters.
12. For preventing and regulating the purchase of such things by hucksters or runners living within the Municipality, or within one mile from the outer limits thereof;
- Weighing, &c.
13. For regulating the mode of measuring or weighing, (as the case may be) of lime, shingles, laths, cordwood, and coal and other fuel;
- Penalties for
light weight.
14. For imposing penalties for light weight or short count or short measurement in any thing marketed;
- Regulating
vehicles used
in market
vending.
15. For regulating all vehicles, vessels and other things in which any thing is exposed for sale or marketed in any street or public place, and for imposing a reasonable duty thereon and establishing the mode in which it shall be paid;
- Assize of
Bread.
16. For regulating the assize of bread, and preventing the use of deleterious materials in making bread; and for providing for the seizure and forfeiture of bread made contrary to the By-law;
- Tainted pro-
visions.
17. For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food;
- Rent of mar-
ket stalls.
18. For selling, after six hours' notice, butchers' meat distrained for rent of market-stalls;

NUISANCES.

- Bathing.
19. For preventing or regulating the bathing or washing the person in any public water in or near the Municipality;

- 20. For preventing and abating public nuisances ; Abatement of nuisances.
- 21. For preventing or regulating the construction of privy vaults ; Privy vaults.
- 22. For causing vacant lots to be properly enclosed ; Vacant lots.
- 23. For preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances ; Slaughter Houses.
- 24. For preventing the ringing of bells, blowing of horns, shouting and other unusual noises, in streets and public places ; Tumultuous noises.
- 25. For preventing or regulating the firing of guns or other fire arms ; and the firing or setting off of fire balls, squibs, crackers or fire works, and for preventing charivaries and other like disturbances of the peace ; Firing guns, &c.
- 26. For preventing immoderate riding or driving in highways or streets ; for preventing the leading, riding or driving of horses or cattle upon side-walks or other places not proper therefor ; Furious driving.
- 27. For preventing persons in streets or public places from importuning others to travel in or employ any vessel or vehicle, or go to any tavern or boarding-house, or for regulating persons so employed ; Importuning travellers.

PUBLIC HEALTH.

- 28. For providing for the health of the Municipality and against the spreading of contagious or infectious diseases ; Public health.

INTERMENTS.

- 29. For regulating the interment of the dead, and for preventing the same taking place within the Municipality ; Interments.
- 30. For directing the keeping and returning of bills of mortality ; and for imposing penalties on persons guilty of default in doing so ; Bills of mortality.

LICENSES.

- 31. For regulating and licensing the owners of livery stables and of horses, cabs, carriages, omnibuses and other vehicles used for hire ; for establishing the rates of fare to be taken by the owners or drivers ; and for enforcing payment thereof ; Licensing cabs, &c.

GUNPOWDER.

- 32. For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials ; for regulating, and providing for the support by fees, of magazines for Gunpowder, care of.

for storing gunpowder belonging to private parties; for compelling persons to store therein; for acquiring land, as well within as without the Municipality, for the purpose of erecting powder magazines, and for selling and conveying such land when no longer required therefor;

FIRES.

- Fire companies, &c. 33. For appointing Fire Wardens, Fire Engineers and Firemen, and promoting, establishing and regulating fire-companies, hook-and-ladder companies, and property-saving companies;
- Medals and rewards to, &c. 34. For providing medals or rewards for persons who distinguish themselves at fires; and for granting pecuniary aid or otherwise assisting the widows and orphans of persons who are killed by accidents at such fires;
- Fires in stables, &c. 35. For preventing or regulating the use of fire or lights in stables, cabinet makers' shops, carpenters' shops, and combustible places;
- Dangerous manufactories. 36. For preventing or regulating the carrying on of manufactories or trades dangerous in causing or promoting fire;
- Stoves, chimnies, &c. 37. For preventing, and for removing, or regulating the construction of any chimney, flue, fire place, stove, oven, boiler or other apparatus or thing which may be dangerous in causing or promoting fire;
- Size and cleaning chimnies, &c. 38. For regulating the construction of chimnies as to dimensions and otherwise; and for enforcing the proper cleaning of the same;
- Ashes. 39. For regulating the mode of removal and safe keeping of ashes;
- Party walls. 40. For regulating and enforcing the erection of party walls;
- Ladders to houses. 41. For compelling the owners and occupants of houses to have scuttles in the roofs thereof, and stairs or ladders leading to the same;
- Buildings and yards, condition of. 42. For causing buildings and yards, to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident;
- Fire buckets. 43. For requiring the inhabitants to provide so many fire buckets in such manner and time as may be prescribed; and for regulating the examination of them; and the use of them at fires;

44. For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the Council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same ;

Inspection of premises.

45. For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections, when necessary to prevent the spreading of fire ;

Suppression of fires.

46. For regulating the conduct, and enforcing the assistance, of the inhabitants present at fires ; and for the preservation of property at fires.

Enforcing assistance at fires.

PROVISIONS APPLICABLE TO CITIES AND TOWNS.

288. The following sections, numbered from 289 to 291, apply to the following Municipalities :

Extent of sections 289 to 291.

1. Cities.

2. Towns.

CORONERS.

289. One or more Coroners shall be appointed for every incorporated City and Town.

Appointment of.

INTELLIGENCE OFFICES.

290. The Council of every City and Town may respectively pass By-laws :

1. For Licensing suitable persons to keep Intelligence Offices for registering the names and residences of and giving information to, or procuring servants for, employers in want of domestics or labourers, and for registering the names and residences of and giving information to, or procuring employment for, domestics, servants and other labourers desiring employment, and for fixing the fees to be received by the keepers of such offices ;

Licensing Intelligence offices.

2. For the regulation of such Intelligence Offices ;

Regulation of.

3. For limiting the duration of or revoking any such license ;

Duration of license.

4. For prohibiting the opening or keeping any such Intelligence Office within the Municipality without License ;

Prohibition of, without license.

5. For fixing the fee to be paid for such License, not exceeding one dollar for one year ;

Fees for.

WOODEN BUILDINGS.

6. For regulating the erection of buildings and preventing the erection of wooden buildings and wooden fences in specified parts of the City or Town ;

Wooden buildings.

POLICE.

A police. 7. For establishing, regulating and maintaining a police ; but subject to the other provisions of this Act on that head ;

INDUSTRIAL FARM—EXHIBITION.

Industrial farm. 8. For acquiring any estate in landed property within or without the City or Town for an industrial farm, or for a public park, garden or walk, or for a place for exhibitions; and for the disposal thereof when no longer required for the purpose ; and for accepting and taking charge of landed property, within or without the City or Town dedicated for a public park, garden or walk for the use of the Inhabitants of the City or Town ;

Buildings thereon. 9. For the erection thereon of buildings and fences for the purposes of the farm, park, garden, walk or place for exhibition, as the Council deems necessary ;

Managing the same. 10. For the management of the farm, park, garden, walk or place for exhibitions, and buildings ;

CHARITY.

Almshouses. 11. For establishing and regulating within the City or Town, or on the Industrial farm or ground held for public exhibitions, one or more Almshouses or houses of refuge for the relief of the destitute, and for granting out of door relief to the resident poor, and also for aiding charitable institutions within the City or Town ;

SNOW, ICE AND DIRT.

Removing snow, &c. 12. For compelling persons to remove the snow, ice and dirt from the roofs of the premises owned or occupied by them, and also to remove the same from the sidewalks, street or alley in front of such premises, and for removing the same at the expense of the owner or occupant in case of his default ;

NUMBERING HOUSES AND LOTS.

Numbering houses, &c. 13. For numbering the houses and lots along the streets of the Municipality, and for affixing the numbers to the houses, buildings or other erections along the streets, and for charging the owner or occupant of each house or lot with the expense incident to the numbering of the same ;

Record of streets and numbers. 14. For keeping (and every such Council is hereby required to make and keep) a record of the streets and numbers of the houses and lots numbered thereon respectively, and entering thereon, and every such Council is hereby required to enter thereon,

thereon, a division of the streets with boundaries and distances for public inspection ;

DRAINAGE.

15. For ascertaining and compelling owners, tenants and occupants to furnish the Council with the levels of the cellars heretofore dug or constructed or which may hereafter be dug or constructed along the streets of the Municipality, such levels to be with reference to a line fixed by the By-laws ;

Levels of cellars.

16. For compelling to be deposited with an officer, to be named in the By-law, before commencing the erection of any building, a ground or block plan of such building with the levels of the cellars and basements thereof with reference to a line fixed by the By-law ;

Deposit of plan of buildings.

17. For regulating the construction of cellars, sinks, water-closets, privies and privy-vaults, and the manner of draining the same ;

Cellars, privies, &c.

18. For compelling or regulating the filling up, draining, clearing, altering, relaying and repairing of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools and privies ; and for assessing the owners or occupiers of such grounds, yards, or of the real estate on which the cellars, private drains, sinks, cesspools and privies are situate, with the cost thereof if done by the Council on their default ;

Filling up certain places.

19. For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes ;

Sewerage.

20. For charging all persons who own or occupy property which is drained into a common sewer or which by any By-law of the Council is required to be drained into such sewer with a reasonable rent for the use of the same ; and for regulating the time or times and manner in which the same is to be paid.

Charging property benefited.

291. The Council of a City or Town may also pass By-laws :

1. For appointing any person to be the Corporation Surveyor, and the Board of Examiners of Provincial Land Surveyors for Upper Canada shall examine such person, and if he is found competent, shall grant to him, without the usual service, his certificate as a Deputy Provincial Surveyor, and his acts as such shall, in the Town or City, while he holds the office of Surveyor thereto, have the same effect as those of any other Deputy Provincial Surveyor ;

Appointment of Corporation Surveyor.

GAS AND WATER.

- Lighting with Gas. 2. For lighting the Municipality, and for this purpose performing any work, and placing any fixtures that are necessary on private property ;
- Laying down gas and water pipes. 3. For laying down Gas or Water pipes in any street and opening streets for the purpose ; and for taking up or repairing such pipes, and for using every power and privilege given to any Gas or Water Company incorporated in the Municipality as if the same were specially given by this Act, subject however to the provisions herein contained as to the erection of Gas or Water Works and levying rates therefor ;
- Gas and Water Works. 4. For constructing Gas and Water Works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within such time as shall not exceed thirty years, nor be less than five years ;
- Estimate to be published, and a Poll held on the By-law. 5. But no By-law under the last sub-section shall be passed, Firstly, until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a Poll of the Electors on the proposed By-law has been published for two months, and a copy of the proposed By-law at length as the same may be ultimately passed, and a notice of the day appointed for finally considering the same in Council, have been published for three months, in some newspaper in the Municipality ; or, if no newspaper is published therein, then in some newspaper in the County in which the Municipality is situate ;
- Proceedings in taking public vote. Nor, Secondly, until at a Poll, held in the same manner and at the same places, and continued for the same time as at elections for Councillors, a majority of the Electors, voting at the Poll, vote in favour of the By-law ;
- Poll to be held, and majority must be in favour. Nor, Thirdly, unless the By-law is thereafter passed at the special meeting mentioned in the published notice ;
- By-law to be passed only at a special meeting, &c. 6. If the proposed By-law is rejected at such Poll, no other By-law for the same purpose shall be submitted to the electors during the current year ;
- If the By-law is rejected. 7. In case there is any Gas or Water Company incorporated for the Municipality, the Council shall not levy any Gas or Water rate until such Council has by By-law fixed a price to offer for the Works or Stock of the Company ; nor until thirty days have elapsed after notice of such price has been communicated to the Company without the Company's having accepted the same, or having, under the provisions of this Act
- If there is a Gas or Water Company for the Municipality. as

as to Arbitrators, named and given notice of an Arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the Company;

8. The Council of a City or Town may also pass By-laws,— Inspection of Gas-metres.
For providing for the inspection of Gas-metres ;

9. For providing for the appointment of three Commissioners for entering into contracts for the construction of Gas and Water-works,—for superintending the construction of the same,—for managing the works when completed,—and for providing for the Election of the said Commissioners by the Electors from time to time and at such periods, and for such terms as the Council may appoint by the By-law authorizing the Election. Commissioners for erection of Gas or Water Works.

PROVISIONS APPLICABLE TO POLICE VILLAGES ONLY.

292. The following sections numbered from 293 to 299 apply to Police Villages only : Extent of sections 293 to 299.

INSPECTING TRUSTEE.

293. The Trustees of every Police Village, or any two of such Trustees shall, by a writing under their hands to be filed with the Clerk of the Township, or one of the Townships in which the Village is situate, appoint one of their number to be Inspecting Trustee. Appointment of Inspecting Trustee.

294. In case of any vacancy in the office of a Police Trustee by death or otherwise, the remaining Trustee or Trustees shall, by writing to be filed with such Clerk as aforesaid, appoint a Trustee or Trustees to supply the vacancy. Vacancies.

NEGLECT OF DUTY BY TRUSTEES.

295. Any Police Trustee who wilfully neglects or omits to prosecute an offender at the request of any resident householder of the village offering to adduce proof of an offence against the regulations of Police herein established, or who wilfully neglects or omits to fulfil any other duty imposed on him by this Act, shall incur a penalty of five dollars. Penalty for breach of duty.

296. The penalties prescribed by the preceding section, or by that for the establishment of regulations of Police, shall be sued for within ten days after the offence has been committed or has ceased, and not subsequently. Limitation of prosecutions for.

TRUSTEES TO SUE FOR PENALTIES.

297. The inspecting Trustee or, in his absence, or when he is the party complained of, one of the other Trustees, shall Who to sue for penalties.

And before whom.

Conviction and levy of penalty.

shall sue for all penalties incurred under the Regulations of Police herein established, before a Justice of the Peace having jurisdiction in the village and residing therein, or within five miles thereof; or if there be none such, then before any Justice of the Peace having jurisdiction in the village; and the Justice shall hear and determine such complaint in a summary manner, and may convict the offender, upon the oath or affirmation of a credible witness, and shall cause the penalty to be levied by distress and sale of the goods of the offender, and to be paid over to the path-master or path-masters of the division or divisions to which the village belongs, or to such of the said path-masters as the Trustees may direct; and such path-master or path-masters shall apply the penalty to the repair and improvement of the streets and lanes of the village, under the direction of the Trustees.

PUBLIC HEALTH.

Trustees to be Health Officers.

5 W. 4, c. 10.

298. The Trustees of every Police Village shall be Health Officers within the Police Village, under the Act of the Parliament of Upper Canada, passed in the fifth year of the reign of His late Majesty, King William the Fourth, intituled, *An Act to promote the Public Health and to guard against infectious diseases in this Province*, and under any other Act that may be passed for the like purpose.

POLICE REGULATIONS.

Regulations.

299. The Trustees of every Police village shall execute and enforce therein the regulations following:

FIRE.

Fires, Ladders, &c.

1. Every proprietor of a house more than one story high, shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a penalty of one dollar for every omission; and a further penalty of two dollars for every week such omission continues;

Fire buckets.

2. Every householder shall provide himself with two buckets fit for carrying water in case of accident by fire, under a penalty of one dollar for each bucket deficient;

Furnaces, &c.

3. No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a penalty not exceeding two dollars for non-compliance;

Stove pipes, &c.

4. No person shall pass a stove-pipe through a wooden or lathed partition or floor, unless there is a space of four inches between

between the pipe and the wood work nearest thereto ; and the pipe of every stove shall be inserted into a chimney ; and there shall be at least ten inches in the clear between any stove and any lathed partition or wood work, under a penalty of two dollars ;

5. No person shall enter a mill, barn, outhouse or stable, with a lighted candle or lamp unless well enclosed in a lantern, nor with a lighted pipe or cigar, or with fire not properly secured, under a penalty of one dollar ; Lights in stables, &c.

6. No person shall light or have a fire in a wooden house or outhouse unless such fire is in a brick or stone chimney, or in a stove of iron or other metal, properly secured, under a penalty of one dollar ; Chimnies.

7. No person shall carry fire or cause fire to be carried into or through any Street, Lane, Yard, Garden or other Place, without having such fire confined in some copper, iron or tin vessel, under a penalty of one dollar for the first offence, and of two dollars for every subsequent offence ; Securing fire carried through streets, &c.

8. No person shall light a fire in a street, lane or public place, under a penalty of one dollar ; Fires in streets.

9. No person shall place Hay, Straw or Fodder, or cause the same to be placed, in a dwelling house, under a penalty of one dollar for the first offence, and of five dollars for every week the Hay, Straw or Fodder is suffered to remain there ; Hay, straw, &c.

10. No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders, in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of one dollar ; Ashes, &c.

11. No person shall place or deposit any quick or unslaked lime in contact with any wood of a house, outhouse or other building, under a penalty of one dollar, and a further penalty of two dollars a day until the lime has been removed, or secured to the satisfaction of the inspecting trustee, so as to prevent any danger of fire ; Lime.

12. No person shall erect a furnace for making charcoal of wood, under a penalty of five dollars ; Charcoal furnaces.

GUNPOWDER.

13. No person shall keep or have Gunpowder for sale except in boxes of copper, tin or lead, under a penalty of five dollars for the first offence, and ten dollars for every subsequent offence ; Gunpowder.

Gunpowder.

14. No person shall sell Gunpowder, or permit Gunpowder to be sold, in his house, storehouse or shop, outhouse or other building, at night, under a penalty of ten dollars for the first offence, and of twenty dollars for every subsequent offence;

NUISANCES.

Certain nuisances prohibited.

15. No person shall throw or cause to be thrown any filth, or rubbish into a street, lane or public place, under a penalty of one dollar, and a further penalty of two dollars for every week he neglects to remove the same after being notified to do so by the Inspecting Trustee, or some other person authorized by him.

ROADS, BRIDGES, DRAINS, WATERCOURSES.

WHAT CONSTITUTE HIGHWAYS.

What shall constitute highways.

300. All allowances for roads made by the Crown Surveyors in any Town, Township or place already laid out, or hereafter laid out; and also all roads laid out by virtue of any Act of the Parliament of Upper Canada, or any roads whereon the public money has been expended for opening the same, or whereon the Statute Labour hath been usually performed, or any roads passing through the Indian Lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to Law.

HIGHWAYS VESTED IN THE CROWN.

Highway, &c., vested in the Crown.

301. Unless otherwise provided for, the soil and freehold of every highway or road altered, amended or laid out, according to Law, shall be vested in Her Majesty, Her Heirs and Successors.

JURISDICTION OF MUNICIPALITIES.

Jurisdiction of Municipal Council.

302. Subject to the exceptions and provisions hereinafter contained, every Municipal Council shall have jurisdiction over the original allowances for Roads, Highways and Bridges within the Municipality.

JURISDICTION RESTRICTED.

PROVINCIAL ROADS UNDER BOARD OF WORKS.

Roads under Board of Works not to be interfered with.

303. No Council shall interfere with any Public Road or Bridge vested as a Provincial Work in Her Majesty or in any Public Department or Board, and the Governor shall by order in Council have the same powers as to such Road and Bridge as are by this Act conferred on Municipal Councils with respect to other Roads and Bridges; but the Governor may by Proclamation declare any Public Road or Bridge under the control of the

the Commissioners of Public Works, to be no longer under their control, and in that case after a day named in the Proclamation the Road or Bridge shall cease to be under the control of the Commissioners, and no tolls shall thereafter be levied thereon by them, and the Road or Bridge shall thenceforth be controlled and kept in repair by the Council of the Municipality.

ROADS ON ORDNANCE LANDS.

304. No Council shall pass any By-law (1) for stopping up or altering the direction or alignment of any street, lane or thoroughfare made or laid out by Her Majesty's Ordnance, or the Principal Secretary of State in whom the Ordnance Estates are vested under the Statute of this Province, passed in the nineteenth year of Her Majesty's Reign chapter forty-five, (2) or for opening any such communication through land held by the Secretary of State for Her Majesty's Ordnance, or (3) interfering with any bridge, wharf, dock, quay or other work constructed by Her Majesty's Ordnance, or the Secretary of State, or (4) interfering with any land reserved for Military purposes or with the integrity of the public defences, without a written consent signed by the Principal Officer of Her Majesty's Ordnance acting in Canada under the authority of such Secretary of State, certified under the hand of the Commander of the Forces in Canada to be such Principal Officer and to be acting under such authority, and a By-law for any of the purposes aforesaid shall be void unless it recites such consent, authority and certificate.

Nor with Ordnance roads, lands, &c.

Unless sanctioned by the Chief Engineer officer, &c.

WHAT ROADS NOT TO BE CLOSED.

305. No Council shall close up any public road or highway, whether an original allowance, or a road opened by the Quarter Sessions, or any Municipal Council or otherwise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, but all such roads shall remain open for the use of the person who requires the same.

Council not to close roads required by individuals.

NOT TO ENCROACH UPON HOUSES, &c.

306. No Council shall authorize an encroachment on any dwelling house, barn, stable, out-house, orchard, garden, yard or pleasure ground, without the written consent of the owner.

Nor to encroach upon houses, &c.

WIDTH OF ROADS.

307. No Council shall lay out any road or lane more than ninety nor less than thirty feet in width; but any road, when altered, may be of the same width as formerly.

Width of roads.

NOTICE TO BE GIVEN OF BY-LAWS INTENDED TO AFFECT
PUBLIC ROADS.

What notice to be given of By-laws intended to affect public roads.

308. No Council shall pass a By-law, for stopping up, altering, widening, diverting or selling any original allowance for road, or for establishing, opening, stopping up, altering, widening, diverting or selling any other public highway, road, street or lane :

Publication.

1. Until written or printed notices of the intended By-law have been posted up one calendar Month previously in six of the most public places in the immediate neighbourhood of such original allowance for road, street, or other highway, road, street or lane ;

The same.

2. And to be published weekly for at least four successive weeks in some newspaper (if any there be) published in the Municipality ; or if there be no such newspaper, then in a newspaper published in some neighbouring Municipality ;

Parties to be heard.

3. Nor until the Council has heard, in person or by Counsel or Attorney, any one whose land might be prejudicially affected thereby, and who petitions to be so heard ;

Clerk to give the notice.

4. And the Clerk shall give such notices, at the request of the applicant for the By-law, upon payment of the reasonable expenses attendant on such notices.

IN DISPUTES RESPECTING ROADS—WHO MAY SWEAR
WITNESSES, &c.

Power to administer oath in disputes respecting boundaries.

309. In case of disputes in any Municipality concerning roads, allowances for roads, side lines, boundaries or concessions, within the cognizance of and in the course of investigation before a Municipal Council, the Head of the Council may administer an oath or affirmation to any party or witness examined upon the matters in dispute.

COMPENSATION FOR LANDS TAKEN.

Owners of lands taken, to be compensated.

310. Every Council shall make to the owners of real property entered upon, taken or used by the Corporation in the exercise of its powers in respect to roads, streets and other public communications, or to drains and common sewers, due compensation for any damages necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated work ; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act.

TITLES TO LAND OF INFANTS, &C., HOW ACQUIRED.

311. In the case of real property which a Council has authority under this Act, to enter upon, take or use without the owner's consent, Corporations; Tenants in tail or for life, Guardians, Committees and Trustees, shall, on behalf of themselves, their Successors and Heirs respectively, and on behalf of those they represent whether infants, issue unborn, lunatic, idiots, married women or others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the Council any such real property, or in agreeing as to the amount of damages arising from the exercise by the Council of any power in respect thereof. In case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property, is absent from this Province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the Judge of the County Court for the County in which such property is situate, may, on the application of the Council, appoint a person to act in respect to the same for all or any of the said purposes.

Title to lands taken.

If there be no party who can convey.

312. In case any party acting as aforesaid has not the absolute estate in the property, the Council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the party entitled to it whenever he claims the same, and executes a valid acquittance therefor, unless the Court of Chancery, or other Court having equitable jurisdiction in such cases, do in the mean time direct the Council to pay the same to any person or into Court; and the Council shall not be bound to see to the application of any interest so paid or of any sum paid under the direction of such Court.

Where a party has a life interest only.

Sum awarded how to be applied.

313. All sums agreed upon or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject.

Charges on the purchase money.

JOINT JURISDICTION OVER ROADS.

COUNTIES, CITIES AND TOWNS.

314. In case a road or bridge lies wholly or partly between a County, Town or City and an adjoining County, Town or City, the Councils of the Municipalities between which the road or bridge lies, shall have joint jurisdiction over the same, although the road or bridge may so deviate as in some places to be wholly or in part within one County.

Joint jurisdiction over certain roads.

315. No By-law of the Council of any one of such Municipalities, with respect to any such last mentioned road or bridge, shall have any force until a By-law has been passed in similar

Both Councils must concur in By-laws respecting them.

similar terms as nearly as may be by the other of the Councils, having joint jurisdiction in the premises.

Arbitration if they do not concur.

316. In case one of such Councils omits to pass a By-law in similar terms to that passed by the other for six months after notice of the By-law, the duties and liabilities of each Municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act.

POWERS OF ALL COUNCILS RESPECTING ROADS, BRIDGES AND WORKS.

By-laws respecting Statute Labour.

317. The Council of every Township, County, City, Town and Incorporated Village may also pass By-laws :

STATUTE LABOUR.

Voluntary commutation.

1. For empowering any person, (resident or non-resident) liable to statute labour within the Municipality, to compound for such labour, for any term not exceeding five years, at any sum, not exceeding one dollar, for each day's labour ;

Compulsory commutation.

2. For providing that a sum of money, not exceeding one dollar for each day's labour, may or shall be paid in commutation of such statute labour ;

Fixing number of days' labour.

3. For increasing or reducing the number of day's labour, to which the persons rated on the Assessment-Roll or otherwise shall be liable, in proportion to the statute labour to which such persons are, in respect of the amounts at which they are assessed or otherwise, respectively liable ;

Enforcing Statute Labour.

4. For enforcing the performance of statute labour, or payment of a commutation in money in lieu thereof, when not otherwise provided by law ;

Regulating the application of Labour and commutation money.

5. For regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended ;

GENERAL POWERS.

Opening roads, &c.

6. For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers, water courses, roads, streets, squares, alleys, lanes, bridges or other public communications, within the jurisdiction of the Council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained ;

TOLLS.

To raise money by toll.

7. For raising money by toll, on any bridge, road or other work, to defray the expense of making or repairing the same ;

FAST DRIVING ON BRIDGES.

8. For regulating the Driving and Riding on public Bridges ;

To regulate driving on bridges.

PITS AND PRECIPICES.

9. For making regulations as to pits, precipices and deep waters and other places dangerous to travellers ;

To make regulations as to pits, &c.

ROAD ALLOWANCES.

10. For preserving or selling timber-trees, stone, sand, or gravel, on any allowance or appropriation for a public road ;

For preservation of Trees, Stone, &c.

11. For selling the original road allowance to the parties next adjoining whose lands the same is situated when a public road has been opened, in lieu of the original road allowance and for the site or line of which compensation has been paid, and for selling in like manner to the owners of any adjoining land, any road legally stopped up or altered by the Council ; and in case such parties respectively refuse to become the purchasers at such price as the Council thinks reasonable, then for the sale thereof to any other person for the same or a greater price ;

When the Council may stop up or sell a road allowance.

PERMITTING ROADS TO PASS, &c.

12. For regulating the manner of granting to Road or Bridge Companies permission to commence or proceed with Roads or Bridges, within its jurisdiction, and for regulating the manner of ascertaining and declaring the completion of the work so as to entitle such companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for the proper exercise of these powers by the Council ;

Granting privileges to Road or Bridge Companies.

TAKING STOCK IN.

13. Fortaking stock in, or lending money to, any such incorporated Road or Bridge Company, under and subject to the respective Statutes in that behalf ;

Taking stock in, or making loans to such Companies.

TOLLS ON, MAY BE GRANTED.

14. For granting to any person, in consideration or part consideration of planking, gravelling or macadamizing a road, or of building a bridge, the tolls fixed by By-law to be levied on the work for a period of not more than twenty-one years after the work has been completed and after such completion has been declared by a By-law of the Council authorizing tolls to be collected. And the grantee of such tolls shall, during the period of his right thereto, maintain the road or bridge in repair.

Granting right to take tolls, when. To exact tolls, when.

OLD ROAD ALLOWANCES.

318. In case any one in possession of a Concession road or side line has laid out and opened a road or street in place thereof

When a road is substituted thereof

for an original allowance.

thereof without receiving compensation therefor, or in case a new or travelled public road has been laid out and opened in lieu of an original allowance for road, and for which no compensation has been paid to the owner of the land appropriated as a public road in place of such original allowance, the owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out, and the Council of the Municipality upon the report in writing, of its Surveyor, or of a Deputy Provincial Land Surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road in fee simple to the person or persons upon whose land the new road runs, and when any such original road allowance is, in the opinion of the Council, useless to the public, and lies between lands owned by different parties, the Municipal Council may, subject to the conditions aforesaid, sell and convey a part thereof to each of such parties as may seem just and reasonable; And in case compensation was not paid for the new road, and the person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the corresponding part of the road allowance when sold, shall be paid to the person who at the time of the sale owns the land through which the new road passes.

Conveying of former road allowance.

POSSESSION OF ROAD ALLOWANCES.

Original allowances for roads when to be deemed legally possessed till a By-law is passed for opening them.

319. In case a person is in possession of any part of a Government allowance for road laid out adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use by reason of another road being used in lieu thereof, or is in possession of any Government allowance for road parallel or near to which a road has been established by law in lieu thereof, such person shall be deemed legally possessed thereof as against any private person, until a By-law has been passed for opening such allowance for road by the Council having jurisdiction over the same.

NOTICE OF BY-LAWS FOR OPENING SUCH ALLOWANCES.

By-law for opening, &c., roads, &c., to require notice.

320. But no such By-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the Council, that an application will be made for opening such allowance.

AIDING COUNTIES IN MAKING ROADS AND BRIDGES.

321. The Municipal Council of every Township, City, Town and Incorporated Village may pass By-laws:

Aiding counties in making roads and bridges.

1. For granting to the County or United Counties in which such Municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the bounds of such Municipality;

2. For entering into and performing any arrangement with any other Council in the same County or United Counties for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the Council.

Joint works with other Municipalities.

HIGHWAYS IN CITIES, TOWNSHIPS, TOWNS AND INCORPORATED VILLAGES.

322. Every public road, street bridge or other highway, in a City, Township, Town or incorporated Village, shall be vested in the Municipality, subject to any rights in the soil which the individuals who laid out such road, street, bridge or highway, reserved, and except any concession or other road within the City, Township or Town or incorporated Village, taken and held possession of by an individual in lieu of a street, road or highway, laid out by him without compensation therefor.

Streets in Cities, Towns and incorporated Villages how far vested in Municipalities.

323. Every such road, street, bridge and highway shall be kept in repair by the corporation, and the default of the Corporation so to keep in repair, shall be a misdemeanor punishable by fine in the discretion of the Court, and the Corporation shall be further civilly responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained. And this Section shall not apply to any road, street, bridge or highway laid out without the consent of the Corporation by By-law, until established and assumed by By-law.

To be kept in repair by the Corporation, on pain of damages.

LOCAL IMPROVEMENTS OF STREETS.

324. The Council of every City, Town and Incorporated Village may also pass By-laws for the following purposes :

1. For assessing and collecting from the proprietors of real property, immediately benefited by making or repairing any Pavement in any public way or place near to such property, such sums as may be necessary for so making or repairing the same ;

Local rates for pavements.

2. For raising, upon the petition of at least two thirds of the freeholders and householders resident in any street, square, alley or lane, representing in value one half of the rateable property therein, such sums as may be necessary for Sweeping, Watering or Lighting the street, square, alley or lane, by means of a special rate on the rateable property therein ; but the Council may charge the general corporate funds with the expenditure incurred in such Making or Repairing, or in such Sweeping, Watering or Lighting as aforesaid ;

Watering and sweeping streets.

3. For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any road, street, square, alley, lane, bridge or other communication ;

Preventing obstructions in streets.

Removal of
door steps.

4. For directing the removal of door steps, porches, railing or other erections, or obstructions projecting into or over any road, or other public communication, at the expense of the proprietor or occupant of the property connected with which such projections are found ;

For marking
the bound-
aries of and
naming
streets.

5. For surveying, settling and marking the boundary lines of all Streets, Roads and other public communications, and for giving names thereto and affixing such names at the corners thereof on either public or private property.

EXCLUSIVE JURISDICTION OVER ROADS.

COUNTIES.

WHAT ROADS.

Exclusive ju-
risdiction over
certain roads
by Counties.

325. The County Council shall have exclusive jurisdiction over all Roads and Bridges lying within any Township of the County and which the Council by By-law assumes as a County Road or Bridge, until the By-law has been repealed by the Council, and over all Bridges across streams separating two Townships in the County ; and over every Road or Bridge dividing different Townships, although such Road may so deviate as in some places to lie, wholly or in part, within one Township.

ROADS ASSUMED TO BE MACADAMIZED.

Roads assum-
ed to be ma-
cadamized, &c.

326. When a County Council assumes by By-law any Road or Bridge within a Township as a County Road or Bridge, the Council shall, with as little delay as reasonably may be, and at the expense of the County, cause the Road to be planked, gravelled or macadamized, or the Bridge to be built in a good and substantial manner.

CERTAIN POWERS OF JUSTICES IN SESSIONS TRANSFERRED.

Certain
powers of
Justices in
Sessions
transferred.

327. All powers, duties and liabilities which at any time before the first day of January, one thousand eight hundred and fifty, belonged to the Magistrates in Quarter Sessions, with respect to any particular Road or Bridge in a County, and not conferred or imposed upon any other Municipal Corporation, shall belong to the Council of the County, or, in case the Road or Bridge lies in two or more Counties, to the Councils of such Counties, and the neglect or disobedience of any regulations or directions made by such Council or Councils, shall subject the offenders to the same penalties and other consequences as the neglect or disobedience of the like regulations or directions of the Magistrates would have subjected them to.

GENERAL POWERS OF COUNTIES RESPECTING HIGHWAYS.

328. The Council of every County shall have power to pass By-laws for the following purposes :

1. For stopping up, or stopping up and sale, of any original allowance for road or parts thereof within the County, which is subject to the sole jurisdiction and control of the Council, and not being within the limits of any Village, Town or City within or adjoining the County ; but the By-law for this purpose shall be subject to the three hundred and eighth section of this Act ;

Sale of original allowance, &c., for roads in certain cases.

2. For preventing immoderate riding or driving of horses or other cattle on the highways, whether Township or County highways ;

Preventing furious driving.

3. For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers, water courses, roads, streets, squares, alleys, lanes, bridges or other public communications, running or being within one or more Townships, or between two or more Townships of the County, or between the County, and any adjoining County or City, or on the bounds of any Town or incorporated Village within the boundaries of the County, as the interests of the inhabitants of the County in the opinion of the Council require to be so opened, made, preserved and improved, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions hereinafter contained ;

Roads within or between several municipalities.

TREES OBSTRUCTING HIGHWAYS.

4. For directing that, on each or either side of a highway passing through a wood, the trees, (unless they form part of an orchard or a shrubbery, or have been planted expressly for ornament or shelter,) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the Proprietor within a time appointed by the By-law, or, on his default, by the County Surveyor or other Officer in whose division the land lies ; and, in the latter case, for authorizing the trees to be used by the Overseer or other Officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the By-law into effect ;

May direct the trees to be cleared on each side of highways.

May grant aid to Counties in making roads, &c.

LOCAL RATES FOR SPECIAL IMPROVEMENTS.

5. For levying by Assessment on all the rateable property within any particular parts of two Townships to be described by metes and bounds in the By-law, in addition to all other Rates, a sum sufficient to defray the expense of making, repairing or improving any Road, Bridge, or other public work, lying between such parts of such two Townships, and by which the inhabitants of such parts will be more especially benefited ;

Local rates for special improvements.

6. But no such By-law, as referred to in the last preceding sub-section, shall be passed, except—1. Upon a petition signed by

Proceedings to obtain a By-law for.

by at least one half of the Electors within those parts of such Townships which are to be affected by the By-law; 2. Nor unless a printed notice of the petition, with the names of the signers thereto, describing the limits within which the By-law is to have force, has been given for at least one month, by putting up the same in four different places within such parts of the Township and at the places for holding the sittings of the Council of each Township, whether it be within such parts or not, and also by inserting the same weekly for at least four weeks in some newspaper, if any there be published in the County, or if there is no such newspaper, then in a newspaper published in some adjoining County ;

AIDING TOWNSHIPS, &C., IN MAKING ROADS AND BRIDGES.

For aiding in making roads and bridges.

7. For granting to any Town, Township, or Incorporated Village in the County, aid, by loan or otherwise, towards opening or making any new Road or Bridge in the Town, Township or Village, in cases where the Council deems the County at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the Council in at once assuming the same as a County work ;

Making, &c., any County road.

8. For requiring that the whole or any part of any County road shall be opened, improved and maintained by any local Municipality within the County.

TOWNSHIPS.

329. The Council of every Township may pass By-laws :

AIDING COUNTIES IN MAKING ROADS.

Aiding County in making Roads.

1. For granting to any adjoining County, aid in making, opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication lying between the Township and any other Municipality, and for granting like aid to the County in which the Township lies in respect of any highway, road, street, bridge or communication within the Township assumed by the County as a County work, or agreed to be so assumed on condition of such grant ;

ORIGINAL ROAD ALLOWANCES.

Stopping up and sale of original road allowance.

2. For the stopping up and sale of any original allowance for road or any part thereof within the Municipality, and for fixing and declaring therein the terms upon which the same is to be sold and conveyed ; but no such By-law shall have any force (1) unless passed in accordance with the three hundred and eighth section of this Act, nor (2) until confirmed by a By-law of the Council of the County in which the Township

is situated at an Ordinary Session of the County Council, held not sooner than three months, nor later than one year next after the passing thereof ;

TREES OBSTRUCTING HIGHWAYS.

3. For directing that, on each or either side of a highway passing through a wood, the trees (unless they form part of an orchard or a shrubbery, or have been planted expressly for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the By-law, or, on his default, by the Overseer of Highways, or other Officer in whose division the land lies ; and, in the latter case, for authorizing the trees to be used by the Overseer or other Officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the By-law into effect.

Ordering trees to be cut down on each side of a road.

WHEN ROADS IN VILLAGES OR HAMLETS MAY BE SOLD BY TOWNSHIP COUNCILS.

330. In case the Trustees of any Police village, or fifteen of the inhabitant householders of any other unincorporated village or hamlet consisting of not less than twenty dwelling houses standing within an area of two hundred acres, petition the Council of the Township in which the village or hamlet is situate, and in case the petition of such unincorporated village or hamlet not being a Police Village, is accompanied by a certificate from the Registrar of the County within which the Township lies, that a plan of the village or hamlet has been duly deposited in his office according to the registry laws, the Council may pass a By-law to stop up, sell and convey, or otherwise deal with any original allowance for road lying within the limits of the village or hamlet, as the same shall be laid down on the plan, but subject to all the restrictions contained in this Act with reference to the sale of original allowances.

When roads in Police Villages may be sold by Township Councils.

331. The last section shall apply to a village or hamlet situate in two Townships whether such Townships are in the same or different Counties, and in such case the Council of each of the Townships shall have the powers hereby conferred, as to any original allowance for road lying within that part of the village or hamlet which, according to the registered plan, is situate within such Township.

When Village is partly in each of two townships.

RAILWAYS.

332. The Council of every Township, County, City, Town and Incorporated Village may pass By-laws :

TAKING STOCK IN OR AIDING RAILWAY COMPANIES.

Council may make by-laws :

For taking stock in Railways or guaranteeing debentures :

For guaranteeing the payment of Debentures, &c.

For issuing Debentures.

To be confirmed by Public vote.

Debentures when valid. Such Debentures valid without the corporate seal.

Head when to be a Director.

Authorizing Branch Railways.

1. For subscribing for any number of shares in the Capital Stock of or for lending to or guaranteeing the payment of any sum of money borrowed by an incorporated Railway Company to which the eighteenth Section of the Statute fourteenth and fifteenth Victoria, Chapter fifty-one,—(the Railway Clauses Consolidation Act) has been made applicable by any special Act ;

2. For endorsing or guaranteeing the payment of any Debenture to be issued by the Company for the money by them borrowed, and for assessing and levying from time to time upon the whole rateable property of the Municipality, a sufficient sum to discharge the debt or engagement so contracted ;

3. For issuing, for the like purpose, Debentures payable at such times and for such sums respectively, not less than twenty dollars, and bearing or not bearing interest as the Municipal Council may think meet ;

4. For directing the manner and form of signing or endorsing any Debenture so issued, endorsed or guaranteed and of countersigning the same, and by what officer or person the same shall be so signed, endorsed or countersigned, respectively ; But no Municipal Corporation shall subscribe for stock or incur a debt or liability for the purposes aforesaid unless the By-law before the final passing thereof has received the assent of the Electors of the Municipality in manner provided by this Act.

333. Any Debenture for any of the purposes in the preceding section mentioned, signed or endorsed and countersigned as directed by the By-law, shall be valid and binding on the Corporation without the corporate Seal thereto, or the observance of any other form with regard to the Debenture than such as may be directed in the By-law.

334. In case any Municipal Council subscribes for and holds stock in such Company to the amount of twenty thousand dollars or upwards, the Head of the Council shall be *ex officio* one of the Directors of the Company in addition to the number of Directors authorized by the Special Act, and shall have the same rights, powers and duties as the other Directors of the Company.

335. The Council of every Township may pass By-laws : for authorizing any Railway Company, in case such authority is necessary, to make any branch Railway on property of the Corporation, or on highways, under such conditions as the Council sees fit, and subject to the restrictions contained in the Railway Clauses Consolidation Act, and any other Acts affecting such Railway.

ARBITRATIONS.

336. In all cases of arbitration directed by this Act, the proceedings shall be as follows :

1. Each party shall appoint one arbitrator and give notice thereof in writing to the other party ; and when the other party is a Corporation, the notice shall be given to the Head of the Corporation ; Mode of appointing arbitrators and conducting arbitrations.
2. The two arbitrators appointed by or for the parties shall choose a third arbitrator ; Third Arbitrator.
3. In case of an arbitration between Townships or between Counties, or between a County and a City, or between a County and Town, if for one calendar month after having received such notice the party notified omits appointing an arbitrator ; and if for ten days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, then, in case the arbitration is between Townships, the Warden of the County within which the Townships are situate ; or in case the arbitration is between Counties, or, between a County and a City or a Town, the Governor in Council may appoint an arbitrator for the party or arbitrators in default ; Provision in case of neglect to appoint.
4. In case of an arbitration between a Municipal Corporation and the owners of property to be entered upon, taken or used in the exercise of the powers of the Corporation in regard to roads, streets or other communications, or to drains and sewers, if, after the passing of the By-law, any person interested in the property appoints and gives due notice to the Head of the Council of his appointment of an arbitrator to determine the compensation to which such person is entitled, the Head of the Council shall, within three days, appoint a second arbitrator and give notice thereof to the other party, and shall express clearly in the notice what powers the Council intend to exercise with respect to the property (describing it) ; In case of exercise of powers as to roads, drains, &c.
5. If within one month after service on the owner or owners of the property, of a copy of any By-law certified to be a true copy under the hand of the Clerk of the Council, the owner or owners omit naming an arbitrator and giving notice thereof as aforesaid, the Council or the Head, if authorized by By-law, may name an arbitrator on behalf of the Council and give notice thereof to the owner or owners of the property, and the latter shall, within seven days thereafter, name an arbitrator on his or their behalf ; If the owner of property fails to name an arbitrator.
6. In either of the cases provided for by the two preceding clauses, the two arbitrators shall within seven days appoint a third arbitrator, and their award shall be made within one month after the appointment ; Time for appointing third arbitrator and for award.

County Judge
to appoint in
certain cases.

7. If any such owner or occupier neglects naming an arbitrator within seven days after receiving notice to do so, or if the two arbitrators do not within seven days from the appointment of the lastly named of the two arbitrators, agree on a third arbitrator within seven days after the lastly named arbitrator's appointment, or if an arbitrator refuses or neglects to act, the Judge of the County Court, on the application of either party, shall nominate as an Arbitrator a fit person resident without the limits of the Municipality in which the property in question is situate, and such Arbitrator shall forthwith proceed to hear and determine the matters referred to him ;

Appointments
how to be
made.

8. The appointment of all Arbitrators shall be in writing under the hands of the appointors, or in case of a Corporation, under the Corporate Seal and authenticated in like manner as a By-law ;

Head to ap-
point for Cor-
poration.

9. The Arbitrators on behalf of a Municipal Corporation or Provisional Corporation, shall be appointed by the Council thereof, or by the Head thereof, if authorized by a By-law of the Council ;

Where many
parties are
interested in
the same pro-
perty.

10. In case there are several persons having distinct interests in property in respect of which the Corporation is desirous of exercising the powers referred to in the above fourth sub-section under a By-law in that behalf passed, whether such persons are all interested in the same piece of property or some or one in a part thereof, and some or one in another part thereof, and in case the By-law or any subsequent By-law provides that the claims of all should in the opinion of the Council be disposed of by one award, such persons shall have one calendar month instead of seven days to agree upon and give notice of an arbitrator jointly appointed in their behalf before the County Court Judge shall have power to name an arbitrator for them ;

Arbitrators to
be sworn.

11. Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who by law affirm, make and subscribe the following affirmation) before any Justice of the Peace :

Form.

“ I, (A. B.), do swear, (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence. So help me God.”

Which Oath or Affirmation shall be filed with the papers of the reference ;

Award to be
binding in

12. In case the award relates to property to be entered upon, taken or used as mentioned in the said fourth sub-section, and in case

case the By-law did not authorize or profess to authorize any entry or use to be made of the property before an award had been made except for the purpose of survey, or in case the By-law did give or profess to give such authority but the arbitrators find that such authority had not been acted upon, the award shall not be binding on the Corporation unless it is adopted by By-law within six weeks after the making of the award; and if the same is not so adopted, the original By-law shall be deemed to be repealed, and the property shall stand as if no such By-law had been made, and the Corporation shall pay the costs of the arbitration;

certain cases, must be adopted by By-law within a certain time.

13. In the case of any award under this Act which does not require adoption by the Council, or in case of any award to which a Municipal Corporation is a party and which is to be made in pursuance of a submission containing an agreement that the present sub-section of this Act should apply thereto, the arbitrator or arbitrators shall take, and immediately after the making of the award shall file with the Clerk of the Council for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence or a copy thereof, and in case they proceed partly on a view or any knowledge or skill possessed by themselves or by any of them, they shall also put in writing a statement thereof sufficiently full to allow the Court to form a judgment of the weight which should be attached thereto;

Notes of the evidence adduced to be taken and filed in certain cases.

14. Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of any of the Superior Courts of Law or Equity as if made on a submission by a Bond containing an agreement for making the submission a rule or order of such Court. And in the cases provided for by the last preceding sub-section, the Court shall consider not only the legality of the award but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional evidence to be taken in any manner the Court directs, and may, either without taking such evidence or after taking such evidence, set aside the award, or remit the matters referred or any of them from time to time to the consideration and determination of the same arbitrators, or to any other person or persons whom the Court may appoint as prescribed in the "Common Law Procedure Act, 1856," and fix the time within which such further or new award shall be made, or the Court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to the Court to require.

Award to be made by at least two arbitrators, and subject to Superior Courts.

Powers of the Courts in such matters.

POUNDS AND POUND-KEEPERS.

337. The Council of every Township, Town and City, Incorporated Village, may respectively pass By-laws (not being inconsistent with any Statute relating to Pounds or Cruelty to Animals:)

By-laws as to pounds and cruelty to animals.

PROVIDING

PROVIDING POUNDS.

Pounds to be provided.

1. For providing sufficient yards and inclosures for the safe keeping of such animals as it may be the duty of the Pound Keeper to impound ;

ANIMALS RUNNING AT LARGE.

Animals running at large.

2. For restraining or regulating the running at large of any animals ; and providing for impounding them ; and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law ;

Appraising damages done by.

3. For appraising the damages to be paid by the owners of animals impounded for trespassing contrary to the laws of Upper Canada or of the Municipality ;

4. For determining the compensation to be allowed for services rendered, in carrying out the provisions of this Act with respect to animals impounded or distrained and detained in the possession of the distrainer.

GENERAL PROVISIONS.

Regulations for the government of Pound Keepers.

338. Until varied or other provisions are made by Act of Parliament, or by By-Laws of the Municipality, the following regulations shall be in force :

What animals to be impounded.

1. If not previously replevied, the Pound Keeper shall impound any horse, bull, ox, cow, sheep, goat, pig, or other cattle, or any poultry, distrained for unlawfully running at large, or for trespassing and doing damage, delivered to him for that purpose by any person resident within his division who has distrained the same ;

When the common pound is not safe.

2. When the common Pound of the Municipality or place wherein a distress has been made is not secure, the Pound Keeper may confine the animal in any inclosed place within the limits of the Pound Keeper's division within which the distress was made ;

Statement of demand to be made to Pound Keeper by impounder.

3. The person distraining and impounding the animal shall, at the time or within twenty-four hours thereafter, deliver to the Pound Keeper duplicate statements in writing of his demands against the owner for damages (if any), not exceeding twenty dollars, done by such animal. And shall at the same time give his written agreement under seal (with a surety if required by the Pound Keeper) which agreement may be after the form following, or in words to the same effect :

I, (or we, as the case may be), do hereby agree that I, (or we) will pay to the owner of the (describing the animal) by me (A. B.) this day impounded, all costs to which the said owner may be put in case the distress by me the said A. B. proves to be illegal, or in case the claims for damages now put in by me the said A. B. fails to be established ;

Form of agreement with Pound Keeper.

4. In case the animal distrained is a horse, bull, ox, cow, sheep, goat, pig or other cattle, and if the same is distrained by a resident of the Township for straying within his premises, such person, instead of delivering the animal to a Pound Keeper, may retain the animal in his own possession, provided he makes no claim for damage done by the animal, and duly gives the notices hereinafter in that case required of him ;

If the animal be of a certain kind.

5. If the owner is known to him, he shall forthwith give to the owner notice in writing of having taken up the animal ;

If the owner be known.

6. If the owner is not known to the person taking up and retaining possession of the animal, such person shall, within forty-eight hours, deliver to the Township Clerk a notice in writing of having taken up the animal, and containing a description of the color, age and natural and artificial marks of the animal, as near as may be ;

If unknown, notice to Township Clerk.

7. The Township Clerk, on receiving this notice, shall forthwith enter a copy thereof in a book to be kept by him for that purpose, and shall post the notice he receives, or a copy thereof, in some conspicuous place on or near the door of his office, and continue the same so posted for at least one week, unless the animal is sooner claimed by the owner ;

Duty of Clerk thereon.

8. If the animal or any number of animals taken up at the same time, is or are of the value of ten dollars or more, the distrainer shall cause a copy of the notice to be published in a Newspaper in the County, if one is published therein, and if not, then in a Newspaper published in an adjoining County, and to be continued therein once a week for three successive weeks ;

If the animals are worth \$10 or over.

9. In case an animal is impounded, notices for the sale thereof shall be given by the Pound Keeper or person who impounded the animal within forty-eight hours afterwards, but no pig or poultry shall be sold till after four clear days, nor any horse or other cattle till after eight clear days from the time of impounding the same ;

Notice of sale.

When sale may be made.

10. In case the animal is not impounded but is retained in the possession of the party distraining the same, if the animal is a pig, goat or sheep, the notices for the sale thereof shall not be given for one month, and if the animal is a horse or other cattle, the notices shall not be given for two months after the animal is taken up ;

If animal is not impounded, but detained.

Notice of sale unless re-deemed.

11. The notices of sale may be written or printed and shall be affixed and continued for three clear successive days, in three public places in the Municipality, and shall specify the time and place at which the animal will be publicly sold, if not sooner replevied or redeemed by the owner or some one on his behalf, paying the penalty imposed by law (if any), the amount of the injury (if any) claimed or decided to have been committed by the animal to the property of the person who distrained it, together with the lawful fees and charges of the Pound Keeper, and also of the fence-viewers (if any); and the expenses of the animal's keeping;

Keeper to feed impounded cattle.

12. Every Pound Keeper, and every person who impounds or confines, or causes to be impounded or confined, any animal in any common, open or close Pound, or in any inclosed place, shall daily furnish the animal with good and sufficient food, water, and shelter, during the whole time that such animal continues impounded or confined;

And may recover the value.

13. Every such person who furnishes the animal with food, water, and shelter, may recover the value thereof from the owner of the animal, and also a reasonable allowance for his time, trouble and attendance in the premises;

In what manner such value may be recovered.

14. The value or allowance as aforesaid may be recovered, with costs, by summary proceeding before any Justice of the Peace within whose jurisdiction the animal was impounded, in like manner as fines, penalties or forfeitures for the breach of any By-law of the Municipality may by law be recovered and enforced by a single Justice of the Peace; and the Justice shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering, so far as applicable, to the tariff of Pound Keepers' fees and charges that may be established by the By-laws of the Municipality;

Other mode of enforcing.

15. The Pound Keeper, or person entitled so to proceed, may, instead of such summary proceeding, enforce the remuneration to which he is entitled in manner hereafter mentioned;

Sale how effected, &c., and purchase money, how applied.

16. In case it is proved by affidavit in writing, before one of the Justices aforesaid, to his satisfaction, that all the proper notices were duly affixed and published in the manner and for the respective times above prescribed, then if the owner or some one for him does not within the time specified in the notices, or before the sale of the animal, replevy or redeem the same in manner aforesaid, the Pound Keeper who impounded the animal, or if the person who took up the animal did not deliver such animal to any Pound-keeper but retained the same in his own possession, then, any Pound-keeper of the Township, shall publicly sell the animal to the highest bidder, at the time and place mentioned in the aforesaid notices

notices, and shall, after deducting the penalty and the damages (if any) and fees and charges aforesaid, apply the produce in discharge of the value of the food and nourishment, loss of time, trouble and attendance so supplied as aforesaid, and the expenses of driving or conveying and impounding or confining the animal, and of the sale and attending the same, or incidental thereto, and the damage when legally claimable not exceeding twenty dollars, to be ascertained as aforesaid, done by the animal to the property of the person at whose suit the same was distrained, and return the surplus (if any) to the original owner of the animal, or if not claimed by him within three months after the sale, the Pound Keeper shall pay such surplus to the Treasurer or Chamberlain of and for the use of the Municipality ;

17. If the owner within forty-eight hours after the delivery of such statements, as provided in the third sub-section of this clause, disputes the amount of the damages so claimed, the amount shall be decided by the majority of three fence-viewers of the Municipality, one to be named by the owner of the animal, one by the person distraining or claiming damages, and the third by the Pound Keeper ;

Disputes regarding such demand, how determined.

18. Such fence-viewers or any two of them shall, within twenty-four hours after notice of their appointment as aforesaid, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the fence was a lawful one according to the Statutes or By-laws in that behalf at the time of the trespass ; and if it was, then they shall appraise the damages committed, and, within twenty-four hours after having made the view, deliver to the Pound Keeper a written statement signed by at least two of them of their appraisalment, and of their lawful fees and charges ;

Fence-viewers to view and appraise damage.

19. Any fence-viewer neglecting his duty as arbitrator as aforesaid, shall incur a penalty of two dollars, to be recovered for the use of the Municipality, by summary proceeding before a Justice of the Peace upon the complaint of the party aggrieved, or the Treasurer or Chamberlain of the Municipality ;

Penalty for neglect of duty by viewers.

20. If the fence-viewers decide that the fence was not a lawful fence, they shall certify the same in writing under their hands, together with a statement of their lawful fees to the Pound Keeper, who shall, upon payment of all lawful fees and charges, deliver such animal to the owner, if claimed before the sale thereof, but if not claimed, or if such fees and charges are not paid, the Pound Keeper, after due notice, as required by this Act, shall sell the animal in the manner before mentioned at the time and place appointed in the notices ;

Proceedings where viewers decide against the legality of a fence.

21. In case any Pound Keeper or person who impounds or confines, or causes to be impounded or confined, any animal

Liability of pound keeper

refusing to
feed animal
impounded.

animal as aforesaid, refuses or neglects to find, provide and supply such good and sufficient food, water, and shelter to the animal, he shall, for every day during which he so refuses or neglects, forfeit a sum not less than one dollar nor more than four dollars, which shall be recoverable by proceeding before any Justice of the Peace ;

Recovery and
enforcement
of penalties.

22. Every fine and penalty, imposed by this Act, may be recovered and enforced, with costs, by summary conviction, under the summary convictions Act, before any Justice of the Peace of the County, or of the Municipality, in which the offence was committed ; and, in default of payment, the offender may be committed to the Common Gaol, House of Correction, or Lock-up-House of such County or Municipality, there to be imprisoned for any time, in the discretion of the convicting and committing Justice, not exceeding fourteen days, unless such fine and penalty, and costs, including the costs of said committal, be sooner paid ;

Imprisonment
in default of
payment.

Who may be a
witness.

23. Upon the hearing of any information or complaint exhibited or made under this Act, any person giving or making the information or complaint, and any other person shall be a competent witness, notwithstanding such person may be entitled to any part of the pecuniary penalty on the conviction of the offender ;

Application of
penalties.

24. When not otherwise provided, every pecuniary penalty recovered before any Justice of the Peace under this Act shall be paid and distributed in the following manner : one moiety to the City, Town, Village or Township, in which the offence was committed, and the other moiety thereof, with full costs, to the person who informed and prosecuted for the same, or to such other person as to the Justice may seem proper.

ADMINISTRATION OF JUSTICE AND MATTERS OF POLICE.

CITIES TO BE COUNTIES, &c.

In what respects
Cities
to be Counties.

339. Every City shall be a County of itself for Municipal purposes, and for such judicial purposes as are herein specially provided for in the case of all Cities, but for no other.

JUSTICES OF THE PEACE.

Heads of
Councils,
Mayors and
Reeves to be
Justices of the
Peace.

340. The Head of every Council, the Aldermen of a City, the Justices of the Peace and the Reeve of every Town, and the Deputy Reeve of every Township, Town and Incorporated Village, shall *ex officio* be Justices of the Peace for the whole County or union of Counties in which their respective Municipalities lie, and shall not be disqualified by being an Attorney, Solicitor or Coroner.

341. Justices of the Peace for any town, shall have the same property qualification and take the same oaths as other Justices of the Peace, but no Warden, Mayor, Recorder, Police Magistrate, Alderman, Reeve or Deputy Reeve, after taking the oaths or making the declarations as such, shall require to have any property qualification or to take any further oath to enable him to act as a Justice of the Peace.

Qualification and oaths of Councillors as Justice of the Peace when dispensed with.

342. When a Town has been erected into a City and the Council of the City duly organized, every Commission of the Peace theretofore issued for the Town, shall cease.

When Towns become Cities, former Commissions of Peace to cease.

343. Justices of the Peace for a County in which a City lies shall as such have no jurisdiction over offences committed in the City, and the warrants of County Justices shall require to be endorsed before being executed in a City in the same manner as required by law when to be executed in a separate County. But the general and adjourned Quarter Sessions of the Peace for the County may be held and the jurisdiction thereof exercised within the City.

County Justices to have no jurisdiction in Cities, but Quarter Sessions may be held therein.

344. Nothing herein contained shall limit the power of the Governor to appoint under the Great Seal of the Province any number of Justices of the Peace for a Town, or shall interfere with the Jurisdiction of Justices of the Peace for the County in which a Town is situate over offences committed in the Town, except only so far as respects offences against the By-laws of the Town and penalties for refusal to accept or be sworn into office in the Town as to which Jurisdiction shall be exercised exclusively by the Police Magistrate or Mayor or Justices of the Peace for the Town.

Governor may appoint Justices of the Peace for Towns.

Jurisdiction of County Justices in Towns.

345. The Mayor of any City or Town may call out the Possé to enforce the law within his Municipality should exigencies require it, but only under the same circumstances in which the Sheriff of a County may now by law do so.

Mayor may call out Possé.

346. The Head of every Council, or in his absence the Chairman thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the Council.

Powers of Heads of Councils to administer oaths.

POLICE OFFICE.

347. The Council of every Town and City shall establish therein a Police Office, and the Police Magistrate, or in his absence, or where there is no Police Magistrate, the Mayor of the Town or City, shall attend at such Police Office daily, or at such times and for such period as may be necessary for the disposal of the business brought before him as a Justice of the Peace; and any Justice of the Peace having Jurisdiction in a Town may, at the request of the Mayor thereof, act in his stead

Police Offices in Cities and Towns.

at

at the Police Office ; But, except in cases of urgent necessity, no attendance is required on Sunday, Christmas Day, or Good Friday, or any day appointed by Proclamation for a Public Fast or Thanksgiving.

RECORDER'S COURTS AND POLICE MAGISTRATES.

RECORDER'S COURT.

Recorder's
Court in
Cities.

348. There shall be in every City a Court of Record to be called the Recorder's Court of the City ; and therein the Recorder alone, or assisted by one or more of the Aldermen, shall preside ; or in the absence of the Recorder, or when there is no Recorder, the Mayor, (and in his absence, one of the Aldermen elected by themselves) assisted by one or more Aldermen, shall preside ; and the Court shall, as to crimes and offences committed in the City and as to matters of civil concern therein, have the same Jurisdiction and powers and use the like process and proceedings as Courts of Quarter Sessions of the Peace in Counties.

Jurisdiction
of.

RECORDERS AND POLICE MAGISTRATES.

Recorder,
qualification
of.

349. The Recorder shall be a Barrister of Upper Canada, of not less than five years' standing.

Salary of Re-
corder.

350. Every Recorder shall receive a salary of not less than two hundred and fifty pounds, and his salary shall be defrayed from and out of the fee Fund from which the salaries of County Judges are defrayed.

Salary of Po-
lice Magis-
trate.

351. Every Police Magistrate shall receive a salary of not less than one hundred pounds per annum, to be fixed by and to be paid quarterly by the Council.

When Recor-
der or Police
Magistrate to
be appointed.

352. A Recorder or a Police Magistrate shall not in the first instance be appointed for any Municipality, until the Council thereof communicates to the Governor its opinion that such an Officer is required.

To be appoint-
ed by the
Crown.

353. Every Recorder and Police Magistrate shall be appointed by the Crown, and shall hold office during the pleasure of the Crown ; and shall *ex officio* be a Justice of the Peace for the City or Town for which he holds Office as well as for the County in which the City or Town is situate.

THE CLERK.

Clerk of Re-
corder's Court
and Police
Office.

354. The Clerk of the Council of every City or Town, or such other person as the Council of the City or Town may appoint for that purpose, shall be the Clerk of the Police Office thereof, and perform the same duties and receive the same emoluments

emoluments as Clerks of Justices of the Peace, and the City Clerk, or such other person as the Council of the City may appoint for that purpose, shall also be Clerk of the Recorder's Court, and shall perform the same duties and receive the same emoluments as Clerks of the Peace; and in case the said Clerk or other person is paid by a fixed salary, the said emoluments shall be paid by him to the municipality, and form part of its funds.

SESSIONS OF RECORDER'S COURT.

355. The Recorder's Court shall hold four Sessions in every year, and such Sessions shall commence on the second Monday in January, and on the first Monday in the months of April, July and November. Sessions of Recorder's Court.

356. The panels of Grand Jurors shall consist of twenty-four persons, and the panels of the Petit Jurors of not less than thirty-six nor more than sixty persons; and all such persons shall be residents of the City, selected to serve as Jurors under the Laws relating to Jurors. Jurors.

357. The High Bailiff of a City, not made a separate County for all purposes, shall ballot for and summon the Jurors under a Precept signed by the Recorder, or by the Mayor, or the Alderman elected to act in the Recorder's place, in the manner appointed by the Laws relating to Jurors. High Bailiff to summon.

358. On the acquittal of any person tried for misdemeanor in a Recorder's Court, the presiding Officer shall, if the Court is satisfied that there was reasonable and probable cause for the prosecution, order the costs thereof to be taxed by the Clerk and to be paid out of the City Funds. Costs of persons acquitted of misdemeanor.

EXPENSES OF RECORDER'S COURT.

359. The expenses of the administration of justice in criminal cases in the Recorder's Court, shall be defrayed out of the Consolidated Revenue Fund, in like manner and to the like extent as the expenses attending the administration of justice in criminal cases in the several Courts of Quarter Sessions in Upper Canada. Expenses of criminal Justice in Recorder's Court how paid.

INVESTIGATIONS BY RECORDER UNDER RESOLUTION OF CITY COUNCIL.

360. In case the Council of any City at any time passes a resolution requesting the Recorder of the City to investigate any matter to be mentioned in the resolution and relating to a supposed malfeasance, breach of trust or other misconduct on the part of any member of the Council or Officer of the Investigation by Recorder of charges of malfeasance.

Corporation, or of any person having a contract therewith, in relation to the duties or obligations of the Member, Officer or other person, to the City, or in case the Council of any City sees fit to cause inquiry to be made into or concerning any matter connected with the good Government of the City, or the conduct of any part of the public business thereof, and if the Council at any time passes a resolution requesting the Recorder of the City to make the inquiry, the Recorder shall inquire into the same, and shall for that purpose have all the powers of Commissioners under the Act, intituled, *An Act to empower Commissioners for inquiring into matters connected with the public business to take evidence on oath*; And the Recorder shall, with all convenient speed, report to the Council the result of the inquiry and the evidence taken thereon.

To have powers under
9 V. c. 38.

CITY DIVISION COURT.

Division
Court to be
held by Re-
corder.

361. The Governor may, by Letters Patent under the Great Seal, appoint the Recorder to preside over and hold the Division Court of that Division of the County which includes the City; and in such case, as long as the Letters Patent remain unrevoked, the Recorder shall have the powers and privileges and perform the duties otherwise belonging to the County Court Judge as Judge of the Division Court, and during such period the authority and duties of the County Judge or Judge of such Division Court shall cease, except as in this Act provided.

Salary as
Judge of Divi-
sion Court.

362. The Governor in Council shall fix an annual salary to be paid to the Recorder for performing such duties, regard being had in fixing the same to the population resident within the Jurisdiction of such Division Court, the amount accruing from the Court to the fee fund, the amount of the salary of the Recorder as such, and the amount of the salaries of the County Court Judges in Upper Canada, and the salary shall be subject to be altered, in the like way, and shall be paid out of the like Fund and in the like manner as the salary of the County Judge in and for the County in which the City is situated.

Recorder
when not to
practise at the
Bar.

363. While a Recorder is authorized to hold the Division Court, he shall not practise as a Barrister, Advocate, Attorney, Solicitor or Proctor in any Court of Law or Equity.

Absence of
Recorder pro-
vided for.

364. In case of the Recorder's illness or unavoidable absence, or absence by leave of the Governor while such Letters Patent are in force, the Judge of the County Court of the County in which the City lies, may officiate for the Recorder, as Judge of such Division Court, and in every other capacity pertaining to the office of the Recorder as Judge of such Division Court; or the Recorder may, by an instrument in writing under his hand and seal, appoint a Barrister of Upper Canada

Appointment
of Deputy.

to act for him as Judge of such Division Court with like powers as aforesaid; but no such appointment shall continue in force for more than one calendar month, unless renewed in like form.

365. Every such instrument shall contain a recital Form of. of the cause which renders the appointment therein contained necessary; and shall be executed in triplicate; and the Recorder shall file one of the triplicate originals in the Office of the Clerk of such Division Court, and shall deliver or send to the person so named to officiate for him another thereof, and shall transmit the third to the Provincial Secretary for the information of the Governor.

366. The Governor may, by an instrument under his Privy Seal, annul any such appointment; and may, if he thinks fit, by the same instrument or any other instrument under his Privy Seal, appoint another Barrister of Upper Canada to act for the Recorder in the place of the Barrister appointed by the Recorder. Governor may supersede and substitute another.

JURORS AND WITNESSES.

COMPETENCY.

367. In any prosecution, suit, action or proceeding Competency of Jurors and witnesses. to which a Municipal Corporation is a party, no Member, Officer or servant of the Corporation shall, on account of his being such, be an incompetent witness, or be liable to challenge as a Juror.

EXEMPTIONS.

368. The inhabitants of a City, not a separate County for all purposes, shall be exempt from serving on juries at any other than the City Courts and Courts of Assize and *Nisi Prius*, Oyer and Terminer and General Gaol Delivery for the County in which the City is situate, and on trials at Bar before the Superior Courts of Common Law. Exemptions of Citizens as Jurors.

HIGH BAILIFF AND CONSTABLES.

369. Until the organization of the Board of Police hereinafter mentioned, the Council of every City shall appoint annually a High Bailiff, but may provide by By-law that the offices of High Bailiff and Chief Constable shall be held by the same person. Bailiffs and Constables.

370. Until such organization, the Council of the City or Town shall appoint one Chief Constable for the Municipality, and one or more Constables for each Ward, and the persons so appointed shall hold office during the pleasure of the Council. Chief Constable.

371. In case any person complains to a Chief of Police, or to a Constable or Bailiff in a Town or City, of a Arrests by constables for breach

alleged breaches of the Peace (not within view) when sanctioned.

breach of the Peace having been committed, and in case such officer has reason to believe that a breach of the Peace has been committed, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing the same is necessary to prevent his escape or to prevent a renewal of the breach of the Peace, or to prevent immediate violence to person or property, then if the person complaining gives satisfactory security to the officer that he will without delay appear and prosecute the charge before the Police Magistrate or before the Mayor or Sitting Justice, such officer may, without warrant, arrest the person charged in order to his being conveyed as soon as conveniently may be before the Magistrate, Mayor or Justice, to be dealt with according to Law.

Until a Board of Police is organized, Mayor, &c, may suspend Chief Constable, &c., from office.

372. Until the organization of a Board of Police, every Mayor, Recorder and Police Magistrate may, within his jurisdiction, suspend from office for any period in his discretion, the Chief Constable, or Constable of the Town or City, and may, if he chooses, appoint some other person to the office during such period; and in case he considers the suspended Officer deserving of dismissal, he shall, immediately after suspending him, report the case to the Council, and the Council may dismiss such Officer, or may direct him to be restored to his office after the period of his suspension expires; and the Recorder and City Council respectively shall have the like powers as to the High Bailiff of a City.

Salary to be withheld during suspension.

373. During the suspension of such officer he shall not be capable of acting in his office except by the written permission of the Mayor, Recorder or Police Magistrate who suspended him, nor during such suspension shall be entitled to any salary or remuneration.

BOARD OF POLICE.

OF WHOM COMPOSED.

Board of Police of whom composed.

374. In every City there is hereby constituted a Board of Commissioners of Police, and such Board shall consist of the Mayor, Recorder and Police Magistrate, and if there is no Recorder or Police Magistrate, or if the offices of Recorder and Police Magistrate are filled by the same person, the Council of the City shall appoint a person resident therein to be a member of the Board, or two persons so resident to be members thereof, as the case may require.

QUORUM.

A majority to constitute a quorum.

375. A majority of the Board shall constitute a quorum, and the acts of a majority shall be considered acts of the Board.

NUMBER OF THE POLICE FORCE.

376. The Police Force shall consist of a Chief Constable and as many Constables and other Officers and Assistants as the Council from time to time deems necessary, but not less in number than the Board reports to be absolutely required.

Number of to be determined by the Council.

APPOINTMENT OF POLICEMEN.

377. The members of the Police Force shall be appointed by and hold their offices at the pleasure of the Board.

The Policemen to be appointed by the Board.

POLICE REGULATIONS.

378. The Board shall, from time to time, as they may deem expedient, make such regulations for the government of the Force and for preventing neglect or abuse, and for rendering the force efficient in the discharge of all its duties.

Board to make Police Regulations.

POLICE SUBJECT TO THE BOARD, &c.

379. The Constables shall obey all the lawful directions, and be subject to the government of the Board, and shall be charged with the special duties of preserving the peace, preventing robberies and other felonies and misdemeanors, and apprehending offenders, and shall have generally all the powers and privileges, and be liable to all the duties and responsibilities which belong by law to Constables duly appointed.

The Policemen to be subject to the Board.

REMUNERATION AND CONTINGENT EXPENSES.

380. The Council shall fix and pay a reasonable remuneration for and to the respective members of the Force, and shall provide and pay for all such offices, watch-houses, watch-boxes, arms, accoutrements, clothing and other necessaries as the Board may from time to time deem requisite and require for the accommodation and use of the Force.

Duties of Remuneration and contingent expenses.

COURT HOUSES AND PRISONS.

GAOLS AND COURT HOUSES.

381. Every County Council may pass By-Laws for erecting, improving and repairing a Court House, Gaol, House of Correction, and House of Industry, upon land being the property of the Municipality, and shall preserve and keep the same in repair, and provide the food, fuel and other supplies required for the same.

County Council may pass By-laws for building.

382. The Gaol, Court House and House of Correction of the County in which a Town or City, not separated for all purposes from a County, is situate, shall also be the Gaol, Court House

Gaols and Court Houses to be common

to Counties
and Cities;
when.

House and House of Correction of the Town or City; and shall in the case of such a City continue to be so until the Council of the City otherwise directs; and the Sheriff, Gaoler and Keeper of the Gaol and House of Correction shall receive and safely keep until duly discharged, all persons committed thereto by any competent authority of the Town or City.

Compensa-
tion how to be
regulated and
made.

383. While a City or Town uses the Court House, Gaol or House of Correction of the County, the City or Town shall pay to the County such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon or be settled by arbitration under this Act.

When the
amount may
be revised.

384. In case after the lapse of five years from such compensation having been so agreed upon, or awarded, or having been settled by Act of Parliament, and whether before or after the passing of this Act, it appears reasonable to the Governor in Council, upon the application of either party, that the amount of the compensation should be re-considered, he may, by an Order in Council, direct that the then existing arrangement shall cease after a time named in the order, and after such time the Councils shall settle anew, by agreement or by arbitration under this Act, the amount to be paid from the time so named in the Order.

City Councils
may erect
Court House,
Gaol, House of
Correction and
House of In-
dustry.

385. The Council of every City may erect, preserve, improve and provide for the proper keeping of a Court House, Gaol, House of Correction and House of Industry upon lands being the property of the Municipality, and may pass By-Laws for all or any of such purposes.

Upon separa-
tion, Gaol and
Court House
regulations to
continue.

386. In case of a separation of a Union of Counties, all rules and regulations, and all matters and things in any Act of Parliament for the regulation of or relating to Court Houses or Gaols in force at the time of the separation, shall extend to the Court House and Gaol of the Junior County.

LOCK-UP-HOUSES.

Lock-up-
houses may be
established by
County Coun-
cils.

387. The Council of every County may establish a Lock-up-House or Lock-up-Houses within the County, and may establish and provide for the salary or fees to be paid to the Constable to be placed in charge of every such Lock-up-House, and may direct the payment of the salary out of the funds of the County.

A Constable
to be placed
in charge of.

388. Every Lock-up-House shall be placed in the charge of a Constable specially appointed for that purpose, by the Magistrates of the County at any General Quarter Sessions of the Peace therefor.

Who liable to
confinement
in, &c.

389. Any Justice of the Peace of the County may direct by warrant in writing under his hand and seal, the

the confinement in a lock-up-house within his County, for a period not exceeding two days, of any person charged on oath with a criminal offence, whom it may be necessary to detain until examined and either dismissed or fully committed for trial to the Common Gaol, and until such person can be conveyed to such Gaol; also the confinement in such Lock-up-House, not exceeding twenty-four hours, of any person found in a public street or highway in a state of intoxication, or any person convicted of desecrating the Sabbath, and generally may commit to a Lock-up-House instead of the Common Gaol or other house of Correction, any person convicted on view of the Justice, or summarily convicted before any Justice or Justices of the Peace of any offence cognizable by him or them, and liable to imprisonment therefor under any Statute or Municipal By-law.

390. The expense of conveying any prisoner to and keeping him in a Lock-up-House shall be defrayed in the same manner as the expense of conveying him to and keeping him in the Common Gaol of the County. Expense of conveying and maintaining prisoners.

391. Nothing herein contained shall affect any Lock-up-House heretofore lawfully established, but the same shall continue to be a Lock-up-House as if established under this Act. Previous Lock-up-houses to continue.

392. The Council of every City, Town and Incorporated Village may, by By-laws, establish, maintain and regulate lock-up-houses for the detention and imprisonment of persons sentenced to imprisonment for not more than ten days under any By-law of the Council; and of persons detained for examination on a charge of having committed any offence; and of persons detained for transmission to any Common Gaol or house of Correction either for trial or in the execution of any sentence. Lock-up-houses for persons sentenced to short imprisonment.

HOUSES OF INDUSTRY AND REFUGE.

393. The Council of every County may establish a House of Industry and House of Refuge, and provide by By-law for the erection and repair thereof, and for the appointment and duties of Inspectors, Keepers, Matrons and other servants for the superintendence, care and management of such House of Industry or of Refuge, and in like manner make rules and regulations (not repugnant to law) for the government of the same. County Councils may erect and appoint Inspectors of Houses of Industry.

394. Any two of Her Majesty's Justices of the Peace, or of the Inspectors appointed as aforesaid, may, by writing under their hands and seals, commit to the House of Industry or of Refuge, to be employed and governed according to the rules, regulations and orders of the House: Who liable to be committed thereto.

1. All poor and indigent persons who are incapable of supporting themselves; Indigent.

Idle. 2. All persons without means of maintaining themselves and able of body to work and who refuse or neglect so to do;

Lewd. 3. All persons leading a lewd, dissolute, or vagrant life, and exercising no ordinary calling, or lawful business sufficient to gain or procure an honest living;

Frequenters of Public Houses. 4. And all such as spend their time and property in public houses, to the neglect of any lawful calling;

5. And Idiots.

Punishment of refractory inmates. **395.** Every person committed to the House of Industry or of Refuge, if fit and able, shall be kept diligently employed at labour during his continuance there; and in case any such person is idle and does not perform such reasonable task or labour as may be assigned, or is stubborn, disobedient or disorderly, such person shall be punished according to the rules and regulations of the House of Industry or of Refuge in that behalf.

Inspectors to keep and render accounts of Expenses, &c. **396.** The Inspectors shall keep an account of the charges of erecting, keeping, upholding and maintaining the House of Industry or of Refuge, and of all materials found and furnished therefor, together with the names of the persons received into the House, as well as of those discharged therefrom, and also of the earnings, and such account shall be rendered to the County Council every year, or oftener when required by a By-law of the Council, and a copy thereof shall be presented to each Branch of the Legislature.

WORK-HOUSES.

397. The Council of every City and Town may respectively pass By-laws:

Work-houses in Cities and Towns and Houses of Correction. 1. For erecting and establishing within the City or Town, or on such Industrial farm, or on any ground held by the corporation for public exhibitions, a work-house or house of correction, and for regulating the government thereof;

Who liable to be committed thereto. 2. For committing or sending, with or without hard labour, to the work-house or house of correction, or to the Industrial farm, by the Mayor, Recorder, Police Magistrate or two Justices of the Peace for the City or Town respectively, such description of persons as may by the Council be deemed and by By-law be declared expedient; and such farm or ground held as aforesaid, shall, for the purposes in this sub-section mentioned, be deemed to be within the City or Town and the jurisdiction thereof.

THE CARE OF GAOLS AND COURT HOUSES, &c.

398. The Sheriff shall have the care of the County Gaol, Gaol offices and yard, and Gaoler's apartments, and the appointment of the keepers thereof. Custody of Gaols and Court Houses.

399. The County Council shall have the care of the Court House and of all offices and rooms connected therewith, whether the same forms a separate building or is connected with the Gaol, and shall have the appointment of the keepers thereof; and shall from time to time provide all necessary and proper accommodation for the Courts of Justice other than the Division Courts and for all officers connected with such Courts. County Council to appoint keepers, &c.

400. In any City not being a separate County for all purposes, but having a Gaol or Court House separate from the County Gaol or Court House, the care of such City Gaol or Court House shall be regulated by the By-laws of the City Council. City Gaols to be regulated by By-law.

FALSE DECLARATIONS.

401. The wilful making of any false statement in any declaration required or authorized by this Act, shall be a misdemeanor punishable as wilful and corrupt perjury. Wilful statement to be a perjury.

INTERPRETATION CLAUSE.

402. Unless otherwise declared or indicated by the context, whenever any of the following words occur in this Act, the meanings hereinafter expressed, attach to the same, namely: Interpretation of words.

1. The word "Municipality" means any locality the inhabitants of which are incorporated under this Act, but it does not mean a Police Village; Municipality.

2. The word "Council" means the Municipal Council or Provisional Municipal Council, *as the case may be*; Council.

3. The word "County" means County, Union of Counties or United Counties, or Provisional County, *as the case may be*; County.

4. The word "Township" means Township, Union of Townships or United Townships, *as the case may be*; Township.

5. The words "Land" "Lands," "Real Estate" "Real Property," respectively, include lands, tenements and hereditaments and all rights thereto and interests therein; Land, Real estate.

6. The words "Highway," "Road" or "Bridge," mean respectively a Public Highway, Road or Bridge; Highway, roads, &c.

Electors.

7. The word "Electors" means the persons entitled for the time being to vote at Municipal Elections in the Municipality, Ward, or Electoral Division or Police Village, *as the case may be* ;

Town Reeve.

8. The term "Reeve" includes the Deputy Reeve when there is a Deputy Reeve for the Municipality ;

Next day.

9. The words "next day" are not to apply to or include Sunday or Statutory Holydays.

REPEALING CLAUSE.

Repeal of—

403. From the first day of December, one thousand eight hundred and fifty-eight, the following Acts and parts of Acts are hereby repealed, namely :

1 V. c. 21, ss.
32, 33, 34.

The thirty-second, thirty-third and thirty-fourth sections of the Act of Upper Canada, passed in the first year of Her Majesty's Reign, chapter twenty-one, for regulating the appointment and duties of Township Officers ;

12 V. c. 81.

The Upper Canada Municipal Corporations Act of 1849 ;

13, 14 V. c.
74.

The Upper Canada Municipal Corporations Law Amendment Act of 1850 ;

Exception.

Except so much of the Schedules in either of the two last mentioned Acts as define the limits or boundaries of any Cities or Towns, being Schedule B of the Act of 1849, numbers two, three, four, six, seven, eight, nine, ten and eleven, and Schedule C of the same Act numbers one, two and three, and Schedule B of the Act of 1850, numbers one, five, twelve, thirteen, fourteen and fifteen.

Further ex-
ception.

And excepting also so much of Schedule A of the Act of 1849, as relates to Amherstburg, and excepting also so much of the two hundred and third section of the last mentioned Act, and so much of any other sections of either of the said Acts relating to any of the Schedules thereof as have been acted upon or as are in force and remain to be acted upon at the time this Act takes effect.

14 and 15 V.
c. 109.

The Upper Canada Municipal Corporations Law Amendment Act of 1851 ;

14 and 15 V.
c. 124.

The Act passed on the thirtieth August, one thousand eight hundred and fifty-one, to enable Municipal Corporations in Upper Canada, to contract Debts to the Crown in the purchase of Public Works without imposing a Special Rate or Tax for the payment of the same ;

The Act passed on the tenth November, one thousand eight hundred and fifty-two, to enable the Township of Stamford to make By-laws for the better government of that part of the said Township which lies in the immediate vicinity of the Falls of Niagara ; 16 V. c. 35.

The Upper Canada Municipal Corporations Law Amendment Act of 1853 ; 16 V. c. 181.

The fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second and twenty-third sections of the Act passed on the thirtieth day of May, one thousand eight hundred and forty-nine, chapter seventy-eight, for abolishing the Territorial Division of Upper Canada into Districts, and for providing for Unions of Counties for judicial and other purposes, and for the dissolution thereof ; 12 V. c. 78.
Certain sections of.

The Act passed on the thirtieth day of May, one thousand eight hundred and forty-nine, chapter seventy-nine, to supply provisions not included in the Statutes passed in the eleventh year of Her Majesty's Reign, chapter thirty-nine, and in the twelfth year of Her Majesty's Reign, chapter seventy-eight ; 12 V. c. 79.

The fifteenth section of the Act passed on the seventeenth day of March, one thousand eight hundred and forty-five, chapter twenty, for the regulation of Line Fences and Water Courses in Upper Canada ; 8 V. c. 20, s. 15.

The Act passed on the eighteenth day of May, one thousand eight hundred and forty-six, chapter eight, to prevent the opening of Government Allowances for Roads, without an order from the District Council ; 9 V. c. 8.

The Act passed on the tenth day of August, one thousand eight hundred and fifty, chapter sixty-five, to amend the Laws relative to Tavern Licenses in Upper Canada ; 13 and 14 V. c. 65.

The Act passed on the thirtieth day of August, one thousand eight hundred and fifty-one, chapter one hundred and twenty, to explain and amend the last above mentioned Act ; 14 and 15 V. c. 120.

The Act passed on the fourteenth day of June, one thousand eight hundred and fifty-three, chapter one hundred and eighty-four, to repeal certain duties of Excise, and to vest certain powers in the Municipal authorities in Upper Canada ; 16 V. c. 184.

13 and 14 V.
c. 15.

The Act passed on the tenth day of August, one thousand eight hundred and fifty, chapter fifteen, providing for the repair of Roads and Bridges within the limits of Incorporated Cities and Towns ;

18 V. c. 133.

The Act passed on the thirtieth day of May, one thousand eight hundred and fifty-five, chapter one hundred and thirty-three, to require By-laws of City, Town, Village or Township Councils for raising money on the credit thereof, to be approved by a majority of the electors before coming into force ;

18 V. c. 134.

The Act passed on the same day, chapter one hundred and thirty-four, to amend the Act of the previous Session, relative to certain duties of Excise in Upper Canada ;

10 and 11 V.
c. 41, ss. 3, 5,
6.

The third, fifth and sixth sections of the Act passed on the twenty-eighth day of July, one thousand eight hundred and forty-seven, chapter forty-one, to establish Lock-up-Houses in the unincorporated Towns and Villages of Canada West ;

7 W. 4. c. 24.

The Act of Upper Canada passed in the seventh year of the reign of King William the Fourth, chapter twenty-four, for the erection and maintenance of Houses of Industry ;

14 and 15 V.
c. 117.

The Act passed on the thirtieth day of August, one thousand eight hundred and fifty-one, chapter one hundred and seventeen, to authorize the payment of certain expenses of the administration of Justice in the Recorder's Court in Upper Canada, out of the Consolidated Revenue Fund of the Province ;

18 V. c. 80.

The Act passed on the nineteenth day of May, one thousand eight hundred and fifty-five, chapter eighty, to facilitate the negotiation of Municipal Debentures ;

20 V. c. 6.

The Act passed on the twenty-seventh of May, one thousand eight hundred and fifty-seven, chapter six, to amend the Municipal and Assessment Acts of Upper Canada, in so far as they relate to the commutation of statute labour ;

20 V. c. 67.

The Act passed on the tenth of June in the same year, chapter sixty-seven, to amend the Municipal Law relating to Incorporation of Villages ;

20 V. c. 68.

The Act passed on the same day, chapter sixty-eight, to enable Counties, united for Municipal purposes, to carry on improvements independently of each other ;

20 V. c. 69.

The Act passed on the same day, chapter sixty-nine, to provide for the disposal of road allowances in the rural Municipalities of Upper Canada ;

The Act passed on the same day, chapter seventy, to amend 20 V. c. 70. the law relative to houses of public entertainment ;

Also the following Acts and parts of Acts of Upper Canada,— *Divers Acts.*
Section 14 of 32 Geo. 3, c. 8,—33 Geo. 3, c. 13,—Sections
12 and 35 of 50 Geo. 3, c. 1,—2 Geo. 4, c. 8,—and 4 W. 4,
c. 18.

404. No Acts or parts of any Acts repealed by any of the above repealed Acts shall be revived, but all such Acts shall continue repealed, and nothing in this repealing clause contained shall affect any statute not herein mentioned or any proclamation by or under which Cities and other Municipalities have been erected so far as respects the continuing of the same and the boundaries thereof. *Acts formerly repealed to continue repealed.*

CONFIRMING AND SAVING CLAUSES.

405. The Head and Members of the Council, and the Officers By-laws, Contracts, Property, Assets and Liabilities of every Municipal Corporation; and the Trustees of every Police Village existing when this Act takes effect, shall be deemed the Head and Members of the Council, and the Officers, By-laws, Contracts, Property, Assets and Liabilities of such Corporation and the Trustees of such Police Village as continued under and subject to the provisions of this Act. *Heads, Officers, By-laws &c. continued.*

406. All proceedings on behalf of or against any existing Municipal Corporation, or Police Trustees pending when this Act takes effect, shall be continued under this Act, in the name in which the same are then pending. *Pending proceedings to continue.*

407. All things heretofore done under the enactments hereby repealed, are confirmed, except any matter which has been, or within one year after the passing of this Act, may be made the subject of proceedings at law or in equity. *Past transactions confirmed.*

408. All offences, neglects, fines, penalties, moneys, debts and other matters and things which immediately before this Act goes into effect might have been prosecuted, punished, enforced or recovered under the Acts or parts of Acts hereby repealed, may be prosecuted, punished, enforced or recovered under this Act, in the same manner, within the same time, and in the same name, and by the same process and proceedings, as if the same respectively had been committed or incurred or had accrued or become due or payable after the taking effect of this Act. *Previous offences may be prosecuted in the new Corporation name.*

DECLARATORY CLAUSE.

Declaration of effect of Municipal Acts as to power to impose statute labour.

109. And whereas doubts have arisen as to the power heretofore of incorporated Towns and Villages, when set apart from the Township or Townships in which the same are situate, to assess or impose statute labor in the same manner as Townships have been authorized : To remove such doubts, it is declared that the several Acts of the twelfth of Victoria chapter eighty-one, thirteenth and fourteenth of Victoria chapter sixty-four, and sixteenth of Victoria chapters one hundred and eighty-one and one hundred and eighty-two, gave such and the same powers to Incorporated Towns and Villages, when set apart from the Township or Townships in which the same are situate, in respect to the assessment and imposition of statute labor, as are in and by the said Acts respectively conferred on Townships.

Act limited to Upper Canada.

110. This Act shall apply to Upper Canada only.

C A P . C .

An Act to amend and consolidate the Jury Laws of Upper Canada.

[Assented to 16th August, 1858.]

Preamble.

WHEREAS it is expedient to amend and consolidate the various Acts relative to the mode of Selecting Jurors in Upper Canada, the performance of their duties and the remuneration to be by them received, with a view to reduce the expense attending the present system and to obtain a better class of Jurors than are now obtained : Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

INTERPRETATION.

Interpretation clause.

1. The word "County," whenever it occurs in this Act, shall include and apply to "Unions of Counties" for Judicial purposes, and the word "Township" shall include and apply to "Unions of Townships."

ISSUES OF FACT TO BE TRIED BY JURY.

Issues of fact to be tried by a Jury, unless otherwise provided.

2. All issues of fact now or hereafter joined in any action, real, personal or mixed, brought in any of Her Majesty's Courts of Justice within Upper Canada, and the assessment or inquiry of damages in any such action the trial or assessment of which is not otherwise provided for, shall be tried and determined or assessed and inquired of by the unanimous verdict of twelve Jurors, duly sworn for the trial of such issue or issues, or for the assessment or inquiry of such damages ; and the said Jurors may bring in a special verdict upon the trial of any such issue.

II.—QUALIFICATIONS, EXEMPTIONS AND DISQUALIFICATIONS OF JURORS.

3. Unless exempted, every person residing in any County, City, or other local judicial division in Upper Canada, who is over the age of twenty-one years, and in the possession of his natural faculties and not infirm or decrepit, and who is assessed for local purposes upon property, real or personal, belonging to him in his own right or in that of his wife, to the amount hereinafter mentioned, shall be qualified and liable to serve as a Juror both on Grand and Petit Juries in Her Majesty's Superior Courts of Common Law at Toronto having General Criminal or Civil Jurisdiction throughout Upper Canada, and in all Courts of Civil or Criminal Jurisdiction within the County, City, or other local judicial division of the County in which he resides.

Who shall be qualified as a juror.

4. No person enrolled as a Juror in respect of property of which he was at the time seized or possessed shall be disqualified or exempted from serving as such Juror in consequence of his having ceased to be seized or possessed of such property between the time of enrollment and of his being called upon to serve as such Juror, nor shall the same form any ground of challenge to such Juror.

Parting with property after assessment not to disqualify.

5. Whenever property is assessed on the assessment-roll of any Township, Village or Urban Ward, as the property of two or more persons jointly, the Selectors of Jurors to whom it belongs to extract from such roll the names thereon of those qualified and liable to serve as Jurors, may, and if they have the requisite information as to the names of the parties to enable them to do so, shall, in making such extract, and for all the purposes of this Act, treat such property as if it belonged to such persons in equal proportions, and such Selectors shall treat each of such persons as respects his qualification and liability to serve as a Juror as if he had been severally assessed for such equal proportion of such property.

Joint proprietors to be deemed equally interested.

6. The amount of property in respect of which a person is qualified and liable to serve as a Juror shall, by the Selectors for each Township, Village or Urban Ward, be determined by the relative amount of property for which the person is assessed on the assessment-roll of the Township, Village or Ward of which he is a resident inhabitant at the time of the annual selection of Jurors, and the mode for ascertaining the same shall be as follows, that is to say: The names of one half of the assessed resident inhabitants of the Township, Village or Urban Ward which shall remain after striking from the said Roll the names of all persons entirely freed and exempt or disqualified from serving as Grand or Petit Jurors, under any of the provisions of this Act, shall be copied from the assessment-roll of such Township, Village or Ward, commencing with the name of the person rated at the highest amount on such roll and proceeding successively towards

Property qualifications.

Mode of ascertaining such qualification.

towards the name of the person rated at the lowest amount, until the names of one half of the persons assessed upon such roll have been copied from the same ; and the amount for which the last of such persons is assessed upon the said roll, shall be that which qualifies every resident inhabitant of such Township, Village or Urban Ward, and renders him liable to serve as such Juror.

Persons exempted from serving as Jurors ; and not to be inserted on the Rolls.

7. The following persons are hereby absolutely freed and exempted from being returned and from serving as either Grand or Petit Jurors in any of the Courts, and shall not be inserted in the Rolls to be prepared and reported by the Selectors of Jurors as hereinafter mentioned :

1. Every person upwards of sixty years of age ;
2. Every member of the Executive Council of this Province ;
3. The Secretary of the Governor, and
4. Every officer and other person in the service of the Governor for the time being ;
5. Every officer of the Provincial Government, and
6. Every clerk and servant belonging to either House of the Provincial Parliament, or to the Public Departments of the Province ;
7. Every Inspector of Prisons ;
8. The Warden of the Provincial Penitentiary ; and
9. Every officer and servant of the said Penitentiary ;
10. Every Judge of a Court having general jurisdiction throughout Upper Canada ;
11. Every Judge of a County Court ; and
12. Every Judge of any other Court except the Quarter Sessions of the Peace, having jurisdiction throughout any County or City in Upper Canada ;
13. Every Sheriff, Coroner, Gaoler and Keeper of a House of Correction or Lock-up-house ;
14. Every Priest, Clergyman and Minister of the Gospel, recognized by law, to whatever denomination of Christians he may belong ;
15. Every member of the Law Society of Upper Canada actually engaged in the pursuit or practice of his profession, whether as a Barrister or Student ;
16. Every Attorney, Solicitor and Proctor actually practising ;
17. Every Officer of any Court of Justice whether of general, County, City, or other local jurisdiction, actually exercising the duties of his offices ;

18. Every Physician, Surgeon and Apothecary actually practising ;
19. Every Officer in Her Majesty's Army or Navy on full pay ;
20. Every Pilot and Seaman actually engaged in the pursuit of his calling ;
21. Every Officer of the Post Office, Customs, and Excise ;
22. Every Sheriff's Officer and Constable ;
23. Every County, Township, City, Town and Village, Treasurer and Clerk ;
24. Every Collector and Assessor ;
25. Every Professor, Master and Teacher of any University, College, County Grammar School, Common School or other School or Seminary of learning, actually engaged in performing the duties of such appointment ;
26. Every officer and servant of any such University, College, School or Seminary of learning, actually exercising the duty of his office or employment ;
27. Every Editor, Reporter and Printer of any public Newspaper or Journal actually engaged in such employment or occupation ;
28. Every person actually employed in the management and working of any Railway ;
29. Every Telegraph Operator ;
30. Every Miller ;
31. Every Fireman belonging to any regular Fire Company ;

Provided, as regards Firemen, that they shall not be exempt from serving as Jurors, unless the Captain or other Officer of the Fire Company shall, at least five days before the time appointed for the selection of Jurors, notify the Clerk of the Municipality of the names of the Firemen belonging to his Company, residing within such Municipality, and claiming such exemption for such Firemen. Proviso as to Firemen.

8. Every Member of the Legislative Council or of the Legislative Assembly of this Province,—every Warden and every Member of any County Council,—every Mayor, Reeve or Deputy Reeve of any City, Town, Township or Village,—every Justice of the Peace, and every other Member and Officer of any Municipal Corporation, is hereby absolutely freed and exempted from being selected by the Selectors of Jurors hereinafter mentioned to serve as a Grand or Petit Juror in Her Majesty's Inferior Courts, and none of the names of any such persons shall be inserted in the rolls from which Jurors are to be taken for such purposes, and Members of the Legislature and certain municipal functionaries exempted from serving at certain Courts.

if any such name is at any time accidentally inserted in any such roll, it shall, if drawn in selecting any Jury List or drafting any Panel therefrom, be set aside and not inserted therein, and every such person is moreover absolutely freed and exempted from being returned upon any General Precept to serve as a Petit Juror at any Sessions of Assize or *Nisi Prius*, Oyer and Terminer or Gaol Delivery, and the name of any such person, if drawn in drafting such panel, shall be set aside and not inserted in the same.

Exemptions arising from having actually served as a juror within a certain time previously.

9. Every person whose name had been inserted in any of the Jury Lists for the year next before that in which his name is again drawn in any of such Lists, or for some prior year within the Rule of Exemption hereby established, and who had duly served on some Panel returned under a general Precept from such Jury List, until discharged by the Court to which such Panel was returned, shall be exempt from having his name inserted in any such list for any subsequent year within such rule of exemption, that is to say: if the Jurors' Roll from which such name is drawn contains a sufficient number of names to make two complete Jury Lists of the denomination of such Jurors' Roll, and if it appears by the Jurors' Book of the preceding year that the name of such person was inserted in any of the Jury Lists for that year, and that he duly attended and served upon any such Panel, the name of such person shall not be inserted in such Jury List; and if there is a sufficient number of names on such Jurors' Roll to make three such complete Jury Lists, and if it appears by the Jurors' Books of either of the two preceding years that his name was inserted in any of such Jury Lists for either of such years, and that he duly attended and served as aforesaid for either of such years, the name of such person shall not be inserted, and so on, *toties quoties*, allowing one additional year's exemption for each complete additional Jury List that such Jurors' Roll furnishes as aforesaid.

Services as a City juror not to exempt as a County juror, and vice versa.

10. Service as a Juror upon any Panel returned by the Sheriff of a County, shall not exempt the person from again serving as a Juror upon any Panel returned by the High Bailiff or other proper Officer of a City embraced within the County of such Sheriff, though within the period of exemption provided for by the last preceding section, nor shall any such service upon any Panel returned by the High Bailiff or other proper Officer of any City having a Recorder's Court established in the same, exempt the person who so served, from again serving as a Juror upon any Panel returned to any of the Superior Courts of Criminal or Civil Jurisdiction, by the Sheriff of the County within the limits of which such City is embraced: and the Jury Lists for such Superior Courts for such County and for such City respectively, shall be selected without any regard being had to any such service, but the inhabitants of every such City shall be exempt from serving on Juries at any other than

Citizens exempted from serving, ex-

the City Courts, or on trials at the Bar of either of Her Majesty's Superior Courts of Common Law at Toronto, or upon trials ordered by the Court of Chancery, or at the Courts of Assize and *Nisi Prius*, Oyer and Terminer, and General Gaol Delivery for the County within the limits of which such City is situate.

cept at certain Courts.

11. Except only in the cases hereinafter expressly provided for, no man not being a natural-born or naturalized subject of Her Majesty, is qualified to serve as a Grand or Petit Juror in any of the Courts aforesaid on any occasion whatever.

Aliens disqualified. Exception.

12. No man attainted of any Treason or Felony, or convicted of any crime that is infamous, unless he has obtained a free pardon, nor any man who is under outlawry, is qualified to serve as a Grand or Petit Juror in any of the said Courts on any occasion whatsoever.

Attainted persons disqualified.

III.—SELECTION AND DISTRIBUTION OF JURORS FROM THE ASSESSMENT-ROLL.

13. The Mayor or Reeve, the City, Town, Village or Township Clerk, and the Assessor or Assessors, if there be more than one, of the respective Cities, Towns, Villages and Townships in Upper Canada, shall be *ex officio* the first Selectors of Jurors for every Township and Village, and for each Ward of every such City or Town.

Certain municipal functionaries to be selectors of jurors.

14. The Selectors shall assemble annually on the first day of September, or if a Sunday or Statutory Holiday, then on the first day thereafter not being such Holiday, at the place where the Meetings of the Municipal Council of such City, Town, Village or Township are usually held, or at such other place within the Municipality as may for that purpose be appointed by the Head of such Municipal Corporation, or during his absence, or the vacancy of the Office, by the Clerk thereof, for the purpose of selecting from the Assessment-Rolls of such City, Town, Village or Township, the names of the persons qualified and liable to serve as Jurors under this Act.

When the selection shall be made;

And where.

15. The Selectors shall select such persons as in the opinion of the Selectors, or of a majority of them, are from the integrity of their characters, the soundness of their judgments, and the extent of their information, the most discreet and competent for the performance of the duties of Jurors.

Principles by which the selectors are to be governed.

16. The City, Town, Village or Township Clerk, or the Assessor or Assessors, or the other officer or person who has the actual charge or custody of the Assessment-Rolls for any City, Town, Village or Township for the year, shall, at the time aforesaid, bring such Assessment Rolls to the annual meeting of the Selectors of Jurors for such City, Town, Village or Township, and permit the use of the same for the purpose aforesaid.

The Clerks of Councils to produce assessment-rolls, &c.

Meeting of
selectors.

Selectors to
be sworn.

The oath.

17. Such Selectors shall annually, on the said first day of September, or if they have been unable to complete the duty hereby imposed upon them on such first day, then on the first day next thereafter not being a Sunday or Statutory Holiday, proceed to select the names from such Rolls, and shall, before entering upon the performance of their duties, severally make and subscribe an oath or affirmation in the form following:

“ I, A. B., do swear (*or affirm, as the case may be*), that I will truly, faithfully and impartially, without fear, favour or affection, and to the best of my knowledge and ability, perform the duty of a Selector of Jurors, and will select from the proper lists the requisite number of the most fit and proper persons to serve as Jurors for the year of Our Lord, one thousand eight hundred and . . . So help me God.”

“ Sworn (*or affirmed*) before me, at . . . , the . . . day of
“ 18 . . . ”

(Signed,) C. D.

J. P.

(Signed,)

A. B.

How adminis-
tered.

Which oath or affirmation any Justice of the Peace may (within his jurisdiction) administer.

How selection
to be made.

18. The Selectors shall select from those qualified to serve on Juries, at least two thirds of the persons whose names appear on the said Rolls.

In case of an
equality of
votes among
the selectors,
who to have
the casting
vote.

19. In case of an equality of votes amongst such Selectors as to any one or more of the names to be so selected, or as to the Division of the Report of such Selectors in which any such name should be inserted in the distribution of such names as hereinafter provided, or as to any other incidental question which may arise, the Mayor or Townreeve, or in case of his absence or the vacancy of the office, the City, Town, Village or Township Clerk, or in the absence or vacancy of the offices of both, then the Assessor whose Roll for the year contains the greatest number of assessed names, and in the case of joint Assessors, the Assessor first named in the appointment of such Assessors, shall have a casting or double vote in the decision of the question.

Proper num-
ber of jurors
to be taken by
ballot,
and how.

20. The said Selectors shall then prepare a set of Ballots or pieces of Parchment, Card or Paper of uniform and convenient size, containing the same number of ballots as there are names selected, allowing one name to each ballot printed or written on the same, and shall then proceed to ballot for Jurors one half of the persons whose names shall have been so selected as hereinbefore mentioned.

The

The manner of balloting shall be as follows, that is to say : Mode of balloting.

1. The Selectors, or one of them, shall place the Ballots promiscuously in a Box or Urn to be procured by them for that purpose, and shall cause such Box or Urn to be shaken so as sufficiently to mix the ballots, and then openly draw from the said Box or Urn indiscriminately, one of said Ballots, and declare openly the name on such ballot, whereupon the Clerk, or one of the Selectors present, shall immediately declare aloud the name of the person thus balloted ;

2. And thereupon the name and addition of the person whose name has been so selected, shall be written down on a sheet of paper provided for that purpose ;

3. Which being done, the Selectors shall proceed in like manner to ballot and dispose of other numbers from the said Box or Urn, until the necessary number has been completed.

21. The Selectors having made such Selection and Ballot shall, for the purpose of the Report thereof, distribute the names of the persons so balloted from each Roll into four divisions ; the first, consisting of persons to serve as Grand Jurors in the Superior Courts ; the second, of persons to serve as Grand Jurors in the Inferior Courts ; the third, of persons to serve as Petit Jurors in the Superior Courts, including the Court of Chancery, and the fourth, of persons to serve as Petit Jurors in the Inferior Courts, and shall make such distribution according to the best of their judgment, with a view to the relative competency of the parties to discharge the duties required of them respectively.

Jurors to be distributed into four divisions.

Grand Jurors.
Petit Jurors.

Provided that the said Selectors shall make such distribution among the said four divisions as nearly as may be in the following proportions relatively to the whole number of persons so selected by them from each of such Rolls for that purpose, as aforesaid, that is to say : one twelfth as nearly as may be under the first of such divisions, two twelfths as nearly as may be under the second of such divisions, three twelfths as nearly as may be under the third of such divisions, and six twelfths as nearly as may be under the fourth of such divisions.

Proportionate number in each division.

22. The said Selectors of Jurors respectively shall thereupon :

1. Make out in duplicate under their hands and seals, or under the hands and seals of such of them as perform the duty, a report of their Selection, Ballot and Distribution for the Township, or Village or Urban Ward, as the case may be, which Report shall be as nearly as may be in the form set forth in the Schedule to this Act, marked A, and be filled up agreeably to the directions contained in the notes to such Schedule ;

Selectors to make out a duplicate report, &c.

Declaration to be subjoined to the report.

2. There shall be subjoined to each duplicate Report a written declaration subscribed by the Selectors, stating each for himself, that he had respectively made the Selection, Ballot and Distribution to the best of his judgment and information pursuant to this Act, and without fear, favour or affection of, to, or for any person or persons whomsoever, gain, reward or hope thereof, other than such fees as they are lawfully entitled to receive for the same under the authority of this Act; and

A duplicate report shall be deposited with Clerks of the Peace.

3. One of such Duplicate Reports shall, on or before the fifteenth day of the same month of September, be deposited by such Selectors with the Clerk of the Peace for the County in which the Town, Village or Township lies, or within the limits of which such City is embraced; and the other duplicate, with the City, Town, Village or Township Clerk, as the case may be;

Who shall keep the same on file.

4. And such Clerks respectively, shall keep such duplicate reports on file in their respective offices for the use and information of all who may have lawful occasion to examine or make use of the same; and

In case of loss, a copy of such duplicate report to be filed.

5. In case of the loss or destruction of any Duplicate original Selectors' Report, the Officer in whose office the same was when so lost or destroyed, shall, as soon as reasonably may be, procure from the Officer to whom the legal custody of the other Duplicate Original of such Report belongs, a certified copy of such Duplicate Report, and file the same in his office in lieu of the Duplicate original, and such certified copy shall be thenceforth taken, received and acted upon in all respects as if it were the Duplicate Original Report so lost or destroyed.

IV.--JURORS' BOOK AND SECOND SELECTION OF JURORS.

Clerk of the Peace to prepare jurors' books in form of Schedule B;

23. The Clerk of the Peace for every County shall annually procure a Book and keep the same as nearly as may be in the Form set forth in the Schedule to this Act marked B, and agreeably to the directions contained in the notes to such Schedule, and such book shall be called "The Jurors' Book" for the County of which he is such Clerk of the Peace, and the year for which such Book is to be used, as hereafter provided, shall be inserted therein.

In which shall be entered the names of grand and petit jurors.

24. Such Clerk shall, between the fifteenth day of September and the tenth day of November in each year, transcribe into such Book, from the Reports of the first Selectors of Jurors for the different Townships, Villages and Urban Wards, or other like local divisions of his County, so made to him for such year as aforesaid, or from such of them as have been so made to him, on or before such fifteenth day of September, in alphabetical order, the names and additions of all persons selected to serve as Grand or Petit Jurors, as the same are set forth and distributed in such Reports.

25. Such names shall be transcribed into the book in four Rolls: the first to be called "Roll of Grand Jurors to serve in Her Majesty's Superior Courts of Criminal Jurisdiction," the second, "Roll of Grand Jurors to serve in Her Majesty's Inferior Courts of Criminal Jurisdiction," the third, "Roll of Petit Jurors to serve in Her Majesty's Superior Courts of Criminal or Civil Jurisdiction and in the Court of Chancery," and the fourth, "Roll of Petit Jurors to serve in Her Majesty's Inferior Courts of Criminal or Civil Jurisdiction."

Such book to contain four rolls of jurors.

26. In each of such Rolls shall be transcribed the names and additions of all persons by the Selectors selected, ballotted and reported as aforesaid to serve as Jurors in each respective County.

Names and additions of jurors.

27. The Clerk of the Peace shall, on or before the thirty-first day of December, cause a correct copy of such Jurors' Book, certified by him, to be a true copy of the original, to be made and deposited in the office of the Clerk or Deputy Clerk of the Crown and Pleas of Her Majesty's Court of Queen's Bench in the County, as the case may be, and from it, in the event of the loss or destruction of the original by fire or other accident, a duplicate original of such Jurors' Book shall be made, and being certified by the said Clerk or Deputy Clerk of the Crown and Pleas, to be truly copied from the copy deposited in his office, shall, upon such loss or destruction being established upon oath or affirmation before two or more Justices of the Peace of the County, be received and used on all occasions and for all purposes, as the original so lost or destroyed.

Deposit of certified Jurors' book with the Clerk or Deputy Clerk of Crown of Q. B. in the County.

28. In every case of the destruction of any Original Jurors' Book, the Clerk of the Peace for the County shall, as soon as reasonably may be, procure a duplicate original of such book, certified as aforesaid, and deposit the same in his office as above provided.

When copies therefrom to be procured and used.

29. In every such case the Clerk of the Peace shall, as soon as may be thereafter, give to the Sheriff or other Officer or Minister of the County to whom the return of Jury Process belongs, notice of such destruction, and of the procurement and deposit of such duplicate original in lieu thereof; Whereupon such Sheriff, Officer or Minister, shall furnish to such Clerk of the Peace copies of all Panels of Jurors drafted by such Sheriff or other Minister from the Jury Lists in such book; and such Clerk of the Peace shall thereupon enter such Panels in such duplicate Original Jurors' Book, in like manner as the same were entered in the said Original Jurors' Book.

Notice to be given to the Sheriff, &c.

30. In every case in which a Proclamation issues, disuniting a Junior County from a Senior County or Union of Counties to take effect from and after the first day of January of the then following year, the Clerk of the Peace for the Union of

When union of Counties dissolved, what shall be done by Clerk of the peace.

of Counties of which such Junior County is at the time a member, shall procure two of such Jurors' Books, one for the County or Counties from which such Junior County is to be so disunited, and the other for such Junior County itself.

How the jurors' names shall be arranged in the books and rolls.

31. Such Clerk shall transcribe into the former of such Books the names and additions of all persons selected for the different Townships, Villages and Urban Wards of such Senior County or Counties, and into the latter of such Books, the names and additions of all persons selected for the different Townships, and Urban Wards of such Junior County respectively.

Clerk of the peace to prepare books. &c.

32. In every such case the preparing of the Books, the selecting of the Jury Lists, and the performing of all other acts and things required by this Act to be done for such Junior County for such following year, shall be done and performed by the Clerk of the Peace and Court of General Quarter Sessions of the Peace for such original Union of Counties and by the Chairman and Officers thereof.

Clerk of the peace of senior County to deliver jurors' book to Clerk of the peace of junior County.

33. In every such case as soon as may be after the Jurors' Book for the Junior County has been completed and the Copies thereof made and deposited in the proper offices, the Clerk of the Peace of the original Union of Counties shall, on demand thereof, deliver the same to the Clerk of the Peace of the Junior County, who shall thereupon give him a receipt for such Book.

Treasurer of junior County to pay accounts therefor.

34. Upon such receipt being filed with the Treasurer of such Junior County, and upon the accounts of the Clerk of the Peace and Crier of the said Court of Quarter Sessions of such original Union of Counties for the services thus performed for such Junior County being verified, by affidavit before a Commissioner for taking affidavits for any of such Counties or the Union of which they may be members, the Treasurer of such Junior County shall pay the amount of such accounts out of the like moneys as are hereinafter provided with respect to the payment of similar accounts by the Treasurers of other Counties, and such payments shall in like manner be allowed in the accounts of such Treasurer.

How such jurors' rolls are to be divided.

35. Such Jurors' Rolls shall be each divided into Townships, Wards and Villages, or other like sub-divisions answering to the local divisions of the Counties, and of Cities and Towns embraced within the limits thereof, and such sub-divisions, and also the names within each sub-division respectively, shall be arranged alphabetically, and all the names in each of such Rolls thus arranged, shall be numbered with a series of current numbers from One forward.

How the rolls are to be certified.

36. To each of such Rolls in the Jurors' Book shall be subjoined a certificate from the Clerk of the Peace, who prepared the same, that he has carefully compared such Roll with

with the Reports made by the several Selectors of Jurors for the different Townships, Wards and Villages and other local divisions of the County or Union of Counties, and the Cities and Towns embraced within the limits of the same for the year, as such Reports remained on file in his office on the Fifteenth day of September in such year, and that such Roll contains a true and correct transcript of the names and additions of all persons so selected and reported to serve as Jurors as aforesaid.

V.—SELECTING JURY LISTS FROM JURORS' ROLLS.

37. The Clerk of the Peace for each respective County shall, on the first day of the Court of General Quarter Sessions of the Peace for the County, held next after the tenth day of November in each year, bring into Court and publicly deliver to the Chairman of such Court *sedente curia*, the Jurors' Book so prepared by him as aforesaid for the then next year, together with the Jurors' Books for such and so many of the then next preceding years as may be required for proceeding with the selecting of the Jury Lists as hereinafter directed, and shall thereupon make oath in open Court :

Clerk of the Peace to bring Jurors' book into Q. S. (sitting the Court) yearly, and certify—

1. That he has carefully compared the Jurors' Rolls in such first mentioned Jurors' Book with the Reports made by the several Selectors of Jurors for the several Townships, Villages and Urban Wards within the County, as the same remained on file in his office on the Fifteenth day of September preceding, and that to the best of his knowledge and belief the said Jurors' Rolls contain a true and correct transcript of the names and additions of all persons so selected, balloted and reported by such Selectors of Jurors as aforesaid ;

That he has compared jurors' rolls.

2. That the Jurors' Books secondly above mentioned are those remaining on file in his office for the years to which they purport respectively to belong, and that all entries in such last mentioned Books were truly and faithfully made therein, without fraud or collusion of any kind, and according to the very truth.

That the jurors' books are those remaining on file.

38. If such Clerk of the Peace has not been in office during all the time that such Jurors' Books have been on file in the office of the Clerk of the Peace for the County or Union of Counties, then, that all entries in such Books made during the time that he has been in office, have been truly and faithfully made therein, without fraud or collusion of any kind, and according to the very truth, and that he hath no reason but to believe, and doth therefore verily believe that all other entries made therein prior to his appointment, were in like manner truly and faithfully made therein as aforesaid.

If the Clerk has been changed, the oath to be modified.

39. On the first occasion of bringing into Court a Jurors' Book for any County or Union of Counties, or for any City, there being no Jurors' Book for any preceding year for such County, Union of Counties or City, the oath to be made by the Clerk of the Peace or Clerk of the Recorder's Court respectively, shall be modified so as to be adapted to such circumstances.

The oath to be modified also when the books are brought in for the first time

40. If any Clerk of the Peace or Clerk of the Recorder's Court is unable to make the oath required by the thirty-eighth section of this Act, as to the Entries made in any of such Jurors' Books previous to the time of such Book coming into his custody, or has reason to suspect that any original entries in any of such Books have, after their original completion, been erased, mutilated or altered, he shall, in lieu of that part of the said oath, make oath that, as to such entries, he is unable to speak, but that from circumstances which have come to his knowledge, or of which he has been informed, he has reason to doubt the correctness thereof, or of some parts thereof, or has reason to suspect that some of the original entries in some of such Books have been erased, mutilated or altered, as the case may be.

If the Clerk for the time being suspects previous errors or fraud, he is to state the same.

41. In every case in which the Clerk of the Peace has made an affidavit in the terms of the last preceding section of this Act, the Court of Quarter Sessions shall, immediately after the selection has been completed, either on the same or some subsequent day, examine and inquire, by the oath of such persons as may be informed thereof, into such supposed incorrect entries, erasure, mutilations or alterations, their nature and extent, and by whom, when and for what purpose they were made, and shall punish the parties who are found to have made such incorrect entries, erasures, mutilations or alterations, by fine or imprisonment in their discretion, and shall cause such incorrect entries, erasures, mutilations or alterations to be rectified, and such Books restored to their original state as nearly as may be, according to the best information they have been able to obtain of or concerning the same.

The Quarter Sessions shall inquire into the matter.

42. The Chairman of such Court shall thereupon certify, under his hand and seal in such Books respectively, the receipt of such Books and the oath or affirmation upon which the same have been received, and a remembrance of the same shall, by the proper officer, be also made in the minutes of such Court.

The receipt of the books, &c., to be certified by the Chairman.

43. The Court shall then proceed to consider and resolve with reference to the probable amount of judicial business to be disposed of through the instrumentality of the Jurors to be selected on that occasion, and the whole number of Jurors from whom the selection is to be had, whether it is most expedient upon such occasion to select a full Jury List, a two-third Jury List or a

The Court shall determine the number of Jurors to be selected.

List.

half

half Jury List, and a remembrance of the resolution shall by the proper officer be duly entered upon the minutes of such Court.

44. On all such occasions the names of the different members of the said Court who are present and vote upon any such resolution, shall be entered on the Minutes of the Court, and in the event of the votes of the members present being equal, the Chairman of the Court for the time being shall have a double or casting vote. Names of Justices present to be recorded.

45. In the event of the resolution affirming the expediency of selecting a full Jury List, the numbers to be selected from the said Rolls, according to the provisions of the fifty-first section of this Act, shall be: 1. From the Roll of Jurors to serve as Grand Jurors in the Superior Courts, Forty-eight; 2. From the Roll of those to serve as Grand Jurors in the Inferior Courts, Ninety-six; 3. From the Roll of those to serve as Petit Jurors in the Superior Courts, One Hundred and Forty-four; and 4. From the Roll of those to serve as Petit Jurors in the Inferior Courts, Two Hundred and Eighty-eight. How a full jury list to be selected;

46. In the event of the resolution affirming the expediency of selecting a two-third Jury List, the numbers to be selected shall be: 1. From the first named of such Rolls, Thirty-eight; 2. From the second, Sixty-four; 3. From the third, Ninety-six; and 4. From the fourth, Two Hundred and Sixteen. Or a two-third list;

47. In the event of the resolution affirming the expediency of selecting a half Jury List, the numbers to be selected as aforesaid shall be: 1. From the said first named of such Rolls, Twenty-four; 2. From the second, Forty-eight; 3. From the said third, Seventy-two; and 4. From the fourth, One Hundred and Forty-four. Or a half list.

48. As respects the County of York, or any Union of which that County is for the time being the Senior County, the numbers to be selected from the first and third of such Jurors' Rolls shall be as follows: When a full Jury List is to be selected, then, from the first of such Rolls, ninety-six, and from the third, two hundred and eighty-eight; when a two-third Jury-List is to be selected, then, from the first of such Rolls, seventy-two, and from the third, two hundred and sixteen; and when a half Jury List is to be selected, then, from the first of such Rolls, forty-eight, and from the third, one hundred and forty-four. The County of York specially provided for.

SELECTORS OF JURORS FROM THE JURORS' ROLLS.

49. The Chairman of the Court of Quarter Sessions—the Clerk of the Peace—the Warden—the Treasurer, the Reeves then present and the Sheriff of the County or Union of Counties, who shall be Selectors of Jurors.

Counties, or any three of them, shall be *ex officio* Selectors of Jurors from the Jurors' Rolls within their respective Counties:

How the selection shall be conducted.

Selectors to be sworn.

The oath.

50. Immediately after a resolution has been so adopted affirming the expediency of selecting a full or a two-third or a half Jury List as aforesaid, or if it is the unanimous opinion of all the Justices then present that the selecting should be proceeded with at an adjourned sitting of such Court, then on the day to which such selecting may be adjourned, such Selectors shall attend and shall, before entering upon the performance of their duties, severally make and subscribe an oath or affirmation in the form following :

“ I, A. B., do swear (*or affirm, as the case may be*), that I will truly, faithfully and impartially, without fear, favor or affection, and to the best of my knowledge and ability, perform the duty of a Selector of Jurors, and will select from the proper lists the requisite number of the most fit and proper persons to serve as Jurors for the year of Our Lord one thousand eight hundred and . . . So help me God.”

“ Sworn (*or affirmed*) before me, at . . . , the
“ day of . . . , 18 . . . ”

(Signed) C. D.

J. P.

(Signed) A. B.

How administered and recorded.

Silence to be proclaimed.

And notice given that objections to Jurors will be heard.

Selectors to proceed to the selection.

Which oath or affirmation any Justice of the Peace may (within his jurisdiction) administer, and shall cause an entry thereof to be forthwith made in the minutes of the Court of Quarter Sessions in the presence of the Chairman presiding at such Court: and the Selectors having been duly sworn, the said Court shall cause proclamation to be made, *firstly*, for all persons to keep silence while the names of the persons to serve as Jurors for the next year for such County or Union of Counties (and City if there is one having a Recorder's Court established therein within the limits of such County or Union of Counties,) are openly selected from the Jurors' Rolls; and *secondly*, that if any one can inform the selectors why the name of any person which may be called upon such selection should not be inserted in the Jury List for which it may be called, he is to come forth and he will be heard.

51. The last mentioned Selectors of Jurors shall then proceed to select the names of the requisite number of persons from the Jurors' Rolls to serve as Jurors for such year, who, in their opinion, or a majority of them, are, from the integrity of their characters, the soundness of their Judgments and the extent of their information, the most discreet and competent for the performance of the duties of Jurors, and which selection shall be conducted in the following manner, that is to say :

1. The Clerk of the Peace shall then openly and audibly call aloud the name and place of residence of the person first named on the Roll of Grand Jurors for the Superior Courts, and so on through such Roll, and each successive Roll of Grand and Petit Jurors for the Courts in which they are respectively required to serve ;

Clerk of the Peace to call over the names on the several Rolls.

2. And if by reference to the Jurors' Book of preceding years, or any of them, and regard being had to the number of names on such Roll, it appears that such person is exempt from having his name inserted in such Jury List, on the ground of its having been inserted in some one of the Jury Lists, for some former year sufficiently recent to entitle him to such exemption, and of his having duly served on some Panel returned from such last mentioned Jury List under a general precept, the Chairman of such Court shall publicly announce the same, and that such person is on that account exempted from serving for the next year accordingly ;

If exempt by reason of former service, what to be done.

3. And the Clerk of the Peace shall thereupon note in the said Roll for such next year, opposite the name of such person, that he was exempted from serving as having served on one of the Grand or Petit Jury Lists for such a year, stating the List and the year ;

Exemption to be noted.

4. But if such person is found not entitled to such exemption, then the name and addition of such person shall be again openly called aloud by the Clerk of the Peace as being proposed to be selected to serve as a Grand Juror for the Superior Courts ; and the Chairman shall thereupon put the question to the other Selectors present : " Shall this name be selected for the Grand Jury of the Superior Courts ? " And if determined in the affirmative by the whole or a majority of the Selectors present, the said Chairman shall thereupon make enquiry whether any one can inform the Selectors why the name of such person should not be inserted in the Jury List for which he has been so selected as aforesaid ;

If not exempt on that ground.

Question to be put as to each name, and objection heard.

5. Whereupon, if the party himself in person or by his Counsel, or his Attorney in the absence of Counsel, by his own oath or by the testimony of witnesses, or if any other person by his own oath or by the testimony of witnesses, satisfies the Court that the person whose name has been so selected is either exempt or disqualified from serving as a Grand Juror for which he has been so called, such person's name shall not be inserted in such Jury List for such next year ;

If exempt on other grounds, to be noted accordingly.

6. And the cause with the name of the person so objecting, and the names of the witnesses upon whose testimony such name is set aside, shall, by the Clerk of the Peace, be stated in the Minute Book of such Court, and a short note of the cause of rejection be made on the proper Jurors' Roll opposite the name of such person ;

And the grounds of exemption.

If no objection is made—names to be inserted;

7. But if no such objection is made or established to the satisfaction of the Selectors, and they or a majority of them shall think fit, the names and additions at length, of such person shall, by the said Clerk of the Peace, be forthwith inserted in the Minute Book of the Court;

And so *toties quoties*.

8. Which being done, the said Selectors shall in like manner proceed to select and set aside, or pass, another name, and so on till they have transferred the required number of names from such Roll;

Names selected to be inserted in list.

9. After which the names so selected, with the places of residence and additions of the parties alphabetically arranged, shall by such Clerk of the Peace, be copied into the Jurors' Book with the title of "The Grand Jury List for the Superior Courts," and such List shall have a series of current numbers from one forward as is hereinbefore provided with respect to the Jurors' Rolls, and also a reference to the number of each name on the Roll of Grand Jurors for the Superior Courts;

Clerk of the Peace to enter names in the book.

10. And each of such names shall, by the said Clerk of the Peace, be thereupon marked on such last mentioned Roll as transferred to such Jury List, by a reference to the number belonging to such name on that List;

List so made to be the Grand Jury List for Superior Courts.

11. And such List so selected and transferred, shall be the Grand Jury List for the Superior Courts for the year next after the same has been so selected.

Grand jurors' List for Inferior Courts to be made in like manner.

52. After the said Grand Jury List for the Superior Courts has been so selected and transferred as aforesaid, the said Selectors shall in like manner proceed to select and transfer from the Roll of Jurors to serve as Grand Jurors in the said Inferior Courts, to a similar List in the same Book, to be called "The Grand Jury List for the Inferior Courts" for such next year, the required number of names from such Roll, which last mentioned List, so selected and transferred, shall be the Grand Jury List for the Inferior Courts for the year next after the same has been so selected as aforesaid.

And then Lists of Petit Jurors for Superior and Inferior Courts.

53. After which the Selectors shall in like manner proceed to select and transfer from the Roll of Jurors to serve as Petit Jurors in the said Superior Courts, the Petit Jury List for the Superior Courts for such year, and lastly from the Roll of Jurors to serve as Petit Jurors in the said Inferior Courts, the Petit Jury List for the Inferior Courts for such year.

The Chairman and Clerk of the Peace to certify books.

54. So soon as the four Jury Lists have been so selected and transferred, the Chairman and Clerk of the Peace shall certify under their hands in the said book, immediately after each of such Jury Lists, that the same was on such a day duly selected and transferred from the proper Roll in open Court

Court as the Law directs; whereupon such Jurors' Book, with the Jury Lists so certified, shall be deposited with the said Clerk of the Peace to be kept on file in his office.

55. All the duties by this Act required of the Chairman of the Quarter Sessions of the Peace, shall, and may in his absence, be performed by the presiding member of such Court for the time being. If Chairman absent, presiding Justice to act.

56. In case from any cause such lists or either of them are not selected pursuant to the provisions of this Act, in any County or City, the Governor may, by warrant under his privy Seal, of which a copy shall be published in the Official Gazette of the Province, and also (if there be such) in one public newspaper published in such County or City, as the case may be, fix a day not sooner than fourteen days from the publication of the warrant in the Gazette, and also a place in such County or City for holding a Special Sittings or Sessions of the Court of Quarter Sessions of the Peace or Recorder's Court as the case requires, for the purpose of selecting such Jury lists as hereinbefore directed; and the several provisions and clauses of this Act, relating to the Sittings or Sessions of such Court, in presence of which the selecting of such Jury lists are hereinbefore directed to be done, shall extend and apply to and be in force with respect to any such Special Sittings or Sessions. If the Jury Lists are not so made at the time hereby appointed, the Governor may appoint another day for the purpose.

VI.—JURY PROCESS.

57. The Judges, Justices and others to whom the holding of any Sittings or Sessions of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County Court, by law belongs, or some one or more of such Judges, Justices or others, shall for that purpose issue Precepts to the Sheriff or other proper Officer or Minister for the return of a competent number of Grand Jurors, for cases criminal for such Sittings or Sessions, and of a competent number of Petit Jurors for the trial of such issues or other matters of fact, in cases criminal and civil, as it may be competent to such Petit Juries to try at such Sittings or Sessions according to law. General Precepts may be issued to Sheriffs.

58. The several Precepts for the return of Panels of Grand and Petit Jurors for any Sittings or Sessions of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County Court, shall be issued to the Sheriff or other Officer or Minister to whom the return of such Precepts belongs, as soon as conveniently may be after the Commission, or other day is known upon which the Jurors to be returned upon such precepts, are to be summoned to attend, and where such day is fixed by law, then as soon as conveniently may be after the close of the last preceding Sittings or Sessions of the like Court: but the Sheriff may return the same panels to the precepts, At what period to issue.

Precepts, for the return of panels of Petit Jurors for the Sittings or Sessions of the Peace and for the Sittings or Sessions of the County Court, in all cases where the same day is appointed for holding such respective Sittings or Sessions.

Number to be summoned.

59. The number of the Petit Jurors to be returned on any General Precept for the return of Petit Jurors for any Sittings or Sessions of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace or County Court, shall not in any case be less than forty-eight nor more than seventy-two, unless by the direction of the Judges appointed to hold such Sittings or Sessions of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County Court, or one of them, who are hereby empowered, by order under hand and seal, to direct that a greater or lesser number shall be the number to be returned.

According to the Precept.

60. In any County in which any Justice of Assize thinks fit so to direct, the Sheriff, to whom the return of the Precept for the trial of causes at *Nisi Prius* for such County belongs, shall :

Within certain limits as to numbers.

1. Summon and impanel such number of Petit Jurors not exceeding one hundred and forty-four in any County, except the County of York or any Union of which that County for the time being is the Senior County, (and in the said County or Union of Counties last mentioned, not exceeding two hundred and eighty-eight,) as such Justice may think fit to direct, to serve indiscriminately on the criminal and civil side ; and

Where two sets of jurors may be summoned.

2. Where such Justice so directs, the Sheriff shall divide such Jurors equally into two sets, the first of which sets shall consist, except as hereinafter provided, of the necessary number of those first drawn upon such Panel, and the Jurors of the first set shall attend and serve for so many days at the beginning of each Assize as such Justice, within a reasonable time before the commencement of such Assize directs, and the Jurors of the second set shall consist, except as before excepted, of the residue of such Jurors, and such Jurors shall attend and serve for the residue of such Assize ; but

Names therein to be designated.

3. The Sheriff shall in the summons to each Juror, in each of such sets, specify whether the Juror named therein is in the first or second set, and at what time the attendance of such Juror will be required ; and

When to be drawn from first set and second set.

4. During the attendance and service of the first of such sets, the Juries on the civil side shall be drawn from the names of the persons in that set, and during the attendance and service of the second of such sets, from the names of the persons in such second set ; and

5. In case a Rule for a view has been obtained, in a cause to be tried by a Jury taken from such Panel, the Judge before whom such case is to be tried, shall, on the application of the party obtaining the Rule, appoint that in case the name of any one of the viewers stands in the Panel among the first half of the names therein, the names of all the viewers shall by such Sheriff be placed in the first of such sets, and that the case shall be tried during the attendance and service of that set of Jurors.

If a view has been granted.

61. Her Majesty's Superior Courts of Common Law at Toronto, and all Courts of Oyer and Terminer, and Gaol Delivery in Upper Canada, shall respectively have the same powers and authority as heretofore in issuing any Writ or Precept, or in making any award or order orally or otherwise for the return of a Jury for the trial of any issue before any of such Courts respectively, or for the amending or enlarging the Panel of Jurors returned for the trial of any such issue; and the return to any such writ, precept, award or order shall be made in the manner heretofore used and accustomed in such Courts, save and except that the Jurors shall be returned from the body of the County, and not from any township or from any particular venue within the County, and shall be qualified according to this Act.

The Courts may issue Writs and Precepts as heretofore.

62. In case the Court of Chancery issues a Precept or order, directed to the Sheriff of any County, requiring him to strike or summon a Jury for the trial of any issue or issues, such Jury shall be struck and summoned (as nearly as may be) in the same manner as is herein provided for striking and summoning Petit Jurors for the Superior Courts of Common Law.

The Court of Chancery may issue Precepts.

63. The several directions in this Act contained, respecting the issue of Precepts for the return of a Panel of Grand Jurors for the Sittings or Sessions of Oyer and Terminer, and Gaol Delivery, as well as for the execution and return of such Precepts, with all things touching the same, shall, in all particulars, be observed and followed, with respect to the Sittings or Sessions of the General Quarter Sessions of the Peace, and with respect to the Sittings or Sessions of the several Recorder's Courts of the Cities in which such Courts are established.

The directions for Precepts, &c., at the Assizes to apply also to Quarter Sessions, &c.,

64. The several directions in this Act contained respecting the issue of Precepts for the return of a General Panel of Petit Jurors for the Sittings or Sessions of Assize and *Nisi Prius*, as well as for the execution and return of such Precepts with all things touching the same, except only those contained in the fifty-ninth section of this Act, shall be observed and followed in all particulars with respect to the Sittings or Sessions of the several Quarter Sessions and County Courts and of the several Recorder's Courts of the Cities in which such Courts are established.

And County Courts.

If the Sheriff is a party, the County Courts to issue a Precept to the Coroner.

65. The Judges of the County Courts respectively, if required by either Plaintiff or Defendant in a suit where the Sheriff is the opposing party, shall issue a Precept to a Coroner of their respective Counties, at least fourteen days before the week in which the General Quarter Sessions of the Peace are to be holden, requiring him to summon, and he is hereby directed thereupon to summon the number of Jurors expressed in such Precept, to be and appear at the time and place when and where the General Quarter Sessions are to be holden, on the same day on which such Sessions are generally holden, from whom a jury shall be taken for the trial of the issue or the assessment of damages, in like manner as practised in cases at *Nisi Prius*.

Writs of *Venire Facias Juratores* to direct the return of 12 jurors.

66. When necessary, every Writ of *venire facias juratores*, for the trial of any issue, civil or criminal, or on any penal Statute, in any of the Courts hereinbefore mentioned, shall direct the Sheriff, or other Officer or Minister to whom the same is directed, "to return twelve good and lawful men of the body of his County, qualified according to law," and the rest of the Writ shall proceed in the accustomed form.

What the Precept shall express.

67. Every Precept issued for the return of Jurors for Sittings or Sessions of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County Court, shall in like manner direct the Sheriff, or other Officer or Minister to whom the same is directed, "to return a competent number of good and lawful men of the body of his County, qualified according to law," and shall not require the same to be returned from any Township, or from any particular *venue* within the County.

Teste, &c., of Writs for the summoning of jurors, except in special instances.

68. Except in trials at Bar, the Writ of *venire facias juratores*, where by law necessary, may be tested on the day on which the same issues and be made returnable on any day in term or vacation, and except in trials at Bar, the Writ of *distringas juratores* and *habeas corpora* may be tested either on the return day of the *venire* or on any subsequent day in term or vacation, and as well after as before or on the Commission day of the Assizes at which the cause in which the same may be sued out is intended to be tried, and any such process may be sued out of the office of the Deputy Clerk of the Crown and Pleas in the County, as well as out of the principal office at Toronto.

Contents of Writs of *Habeas Corpora Juratorum*, &c.

69. In any Writ of *habeas corpora juratorum* or *distringas juratores* subsequent to and founded upon any Writ of *venire facias juratores*, it shall not be requisite to insert the names of all the Jurors contained in the panel, but it shall be sufficient to insert in the mandatory part of such Writs respectively—"the bodies of the several persons in the panel to this Writ annexed, named," or words of the like import, and to annex to such

Writs

Writs respectively, panels containing the same names as were returned on the panel to such *venire facias*, with their places of abode and additions.

70. For the trial of issues in cases whether criminal or civil which come on in course for trial at any Sittings or Sessions of Assize and *Nisi Prius*, Oyer and Terminer, Goal Delivery, Sessions of the Peace, or County Court, it shall not be necessary to sue out any Writ of *venire facias juratores* or other Jury process, but the award of such process by the Court, and the entry of such award where necessary on the Roll, together with the return of a panel of Jurors upon the general Precept issued for such Sittings or Sessions, and the trial of such issues respectively by a Jury taken from such general Panel in the manner herein provided, shall be sufficient, and shall be as valid and effectual in law as if such *venire facias juratores*, or other process, had been actually and regularly sued out in each case, and the names of the Jurors had been regularly returned upon such Jury process :

Writs of *Venire Facias Juratores, &c.*, not necessary at the Assizes, &c.

1. But nothing in this section contained shall extend to any issue, to be tried at Bar, or by order of the Court of Chancery, or by a Special Jury, or by a Jury *de medietate linguæ*, or *de ventre inspiciendo*, or in a case in which a view has been granted ;

Trials at Bar not to be affected.

2. Every Jury of which some of the Jurors have been regularly taken from such general Panel, shall, notwithstanding its being completed by the award of a *tules de circumstantibus*, be deemed to have been taken from such general Panel for the purposes of this section ;

Talesmen to be deemed taken from the general panel.

3. To every *venire facias* directed to a Sheriff in a case in which a view has been granted, and which *venire facias* is not endorsed for the return of a Special Jury thereon, such Sheriff shall return the same Jurors as those whose names are inserted in the panel returned upon the general Precept for the Sittings or Sessions at which such cause is to be tried.

When view is granted, what Sheriff shall do on the *Venire Facias Juratores.*

71. If when the cause is at issue, any Plaintiff or Demandant or any Defendant in *Quare impedit* or *Replevin* has sued out a Writ of *Venire Facias* upon which a Writ of *Habeas Corpora* or *distringas* with a *Nisi Prius* has issued in order to the trial of the said issue at the Assizes or Sessions of *Nisi Prius*, and does not proceed to trial at the first Assizes or Sessions of *Nisi Prius* after the teste of such Writ of *Habeas Corpora* or *distringas*, then, (except when a view by Jurors is directed) such Plaintiff, Demandant or Defendant, whenever he intends to try the issue at any other Assizes or Sessions of *Nisi Prius*, shall sue forth a new Writ of *Venire Facias*, commanding the Sheriff or other Minister to return anew twelve good and lawful men of the body of the County qualified

What to be done if cause not tried at the first Court in which a *Venire Facias Juratores* is returnable.

qualified according to Law, and the rest of the Writ shall proceed in the accustomed manner, which Writ being duly returned, a Writ of *Habeas Corpora* or *distringas* with a *Nisi Prius* shall issue thereupon, upon which such Plaintiff, Demandant or Defendant, may proceed to trial, as effectually to all intents and purposes, as if no former Writ of *Venire Facias* had been prosecuted in that cause, and so *toties quoties* as the case may require.

Former powers of Courts and Judges in trials by jury not abridged, unless by express provisions.

72. Nothing in this Act contained shall alter, abridge or affect any power or authority, which any Court or Judge now hath, or any practice or form, in regard to trials by Jury, Jury Process, Juries or Jurors, except in those cases only where any such power or authority, practice or form, is repealed or altered, or is inconsistent with any of the provisions hereof, or shall change or alter any privilege of Parliament.

VII.—DRAFTING PANELS FROM JURY LISTS.

How Sheriffs to draft panels of jurors.

73. Every Sheriff or other Officer to whom any Writ of *Venire Facias* or Precept for the return of Jurors is directed, shall, to such Writ or Precept, return a panel of the names of the Jurors contained in the proper Jury List for the year, whose names shall be drafted from such List in the manner hereinafter mentioned.

If no jurors' book for the year.

74. If there is no Jurors' Book, or certified copy thereof, in existence for the year, the Sheriff may return to any such Writ or Precept a panel of Jurors selected in like manner from the proper Jury List in the Jurors' Book of the nearest preceding year, for which there is a Jurors' Book, or certified copy thereof, in existence.

If not a sufficient number in the lists.

75. If there are no Jurors, or not a sufficient number of such Jurors upon any Jury List from which a panel is so required to be drafted, liable to be drafted and to serve upon such panel, the Sheriff may return to the Writ or Precept a panel of Jurors selected in like manner, or the residue of whom respectively have been selected in like manner, from the proper Jury List in the Jurors' Book of the nearest preceding year for which there is a Jurors' Book, or certified copy thereof, in existence.

What notice Sheriffs shall give.

76. Upon any Sheriff or other officer being called upon to return a Panel of Jurors, whether Grand or Petit, he shall give public written notice in his office, and also on the door of the Court House of the County, or if there be no Court House, then in some other public place, of the day and hour at which he will attend at the office of the Clerk of the Peace to draft such Panel of Jurors from the Jury List, and at such time and place he shall proceed publicly to draft the panel by ballot from the Jury List in the presence of the Clerk
of

of the Peace and any two Justices of the Peace of the County, who, upon reasonable notice from such Sheriff, are hereby required to attend, and in the presence of any other person or persons who may desire to be present.

77. If the Sheriff or other officer has sufficient time, he shall give every such notice at least eight days before the drafting of the panel, and if there is not sufficient time for that purpose, he shall give such notice as soon after his receipt of the Precept or Writ as conveniently may be.

Notice to be eight days, if time admits.

78. If the drafting or completing of the panel, at the time appointed, is prevented by unavoidable accident, the same may be had or completed at any other time in the presence of the Clerk of the Peace, and two Justices of the Peace, upon a similar notice being first given of such time.

The drafting, if not completed, may be resumed.

79. In proceeding to draft a panel of Jurors from the Jury List, the Sheriff, or other officer to whom the return of the panel belongs, shall in the first place prepare a proper title or heading for the Panel of Jurors to be returned, to which he shall fix an appropriate number according as such panel by the Jurors' Book appears to be the first, second, third or subsequent panel drafted from such Jury List, and the title or heading shall set forth the number of Jurors to be returned in words at length, or (where such Sheriff has a discretion as to such number,) the number that in the exercise of such discretion, he has determined to return, and the number, when discretionary, shall not be altered after the same has been so inserted in such title or heading.

How Sheriff to prepare a panel.

80. In the second place, the Sheriff, or other officer, shall append to such title or heading, a list of numbers from one forward to the number required, and shall prepare a set of Ballots or pieces of Parchment, Card or Paper of uniform and convenient size, such set containing the same number of ballots as there are numbers on the Jury List from which the panel is to be drafted, allowing one number to each Ballot printed or written on the same, and shall then proceed to draft the panel of Jurors in the manner hereinafter mentioned.

Same subject.

81. The manner of drafting the panel shall be as follows, that is to say :

1. The Sheriff, or other officer to whom the return of the panel belongs, shall place the Ballots promiscuously in a Box or Urn to be procured by him for that purpose, and shall cause such Box or Urn to be shaken so as sufficiently to mix the ballots, and he shall then openly draw from the said Box or Urn indiscriminately one of the said ballots, and declare openly the number of such ballot, whereupon the Clerk of the Peace, or one of the Justices of the Peace present as aforesaid

How panel of jurors to be drafted.

aforesaid at such drawing, shall immediately declare aloud the name to which such number is appended in the Jury List from which the Panel is drafted ;

Same subject. 2. And thereupon, if such person is exempt from being drafted or serving upon such panel, under the seventh section of this Act, or if upon the face of such Jury List it appears that the person whose number has been so drafted had previously been drafted to serve on a panel drafted from such Jury List in obedience to a Precept for the return of a general panel for any Sessions or Sittings of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, General Quarter Sessions of the Peace, or County Court, and that such person had actually attended and served upon such panel, and if a sufficient number of names to complete the panel then in course of being drafted, remain on such Jury List without taking any of those who had been previously drafted from the same list upon any former panel, the Sheriff shall publicly announce the same, and that the name of the person so drafted is, on such account, not inserted in the panel ;

Same subject. 3. But if upon examination of such Jury List no such cause appears for omitting the name of such person from the panel then being drafted, the name and addition of the person whose name has been so drafted, shall be thereupon written down on a sheet of paper provided for that purpose, and such name shall, by the said Sheriff, or other Officer, be thereupon marked on the said Jury List, with a reference to the number which will belong to such panel in the Jurors' Book ;

Same subject. 4. Which being done, the Sheriff shall proceed in like manner to draft and dispose of other numbers from the said Box or Urn, until the necessary number for the panel to be so drafted has been completed ;

Same subject. 5. After which, the names so drafted, with the places of residence and additions of the parties, arranged alphabetically, shall, by such Sheriff, or other officer, be transcribed on another sheet of paper, with a reference to the number of such name on the Jury List, and such name shall, by the said Sheriff or other Officer, or his Deputy, be thereupon marked in the said Jury List, with a reference to the number which will belong to such panel in the Jurors' Book ;

Same subject. 6. Whereupon, such panel so alphabetically arranged and numbered, with a short statement of the Writ or Precept in obedience to which it has been drafted, the date and place of such drafting, and the names of the Sheriff, or other officer or Minister, or his Deputy, and of the Clerk of the Peace and Justices of the Peace, present at such drafting, or at least of two of them, shall be fairly entered in the said Jurors' Book, and attested by the signatures of

of such Sheriff, or other Officer or Minister, or his Deputy, and of the said Clerk of the Peace and the said Justices, or at least two of them.

82. The said Sheriff shall, upon his return of the Writ of *venire facias*, or Precept under authority of which such panel has been drafted, annex a panel to the said Writ or Precept, containing the names, together with the places of abode and additions of the persons so drafted upon such panel, and shall transmit one copy thereof to the office of the Clerk of the Peace of the proper County, and another to the Clerk of the Crown and Pleas of Her Majesty's Court of Queen's Bench at Toronto, or Deputy Clerk of the Crown, as the case may be.

The panel to be annexed to the Writ or Precept, and a copy sent to the Clerk of the Queen's Bench.

83. Each of such copies, as well as the Jurors' Book, shall at all reasonable times be open to inspection by litigants or their professional Agents, without fee or reward.

Copies, Jury books, &c., to be open to inspection.

JURORS, WHEN SUMMONED BY CORONERS, ELISORS, &c.

84. The manner of drafting or striking, returning and summoning Jurors by the Sheriff upon writs of *venire facias juratores*, as prescribed by this Act, shall be observed and followed by all Coroners, Elisors, and other Officers and Ministers having the return of Jury process, and they shall for such purpose have free access at all reasonable times to the Jurors' Book in the Office of the Clerk of the Peace of the proper County; and every such Coroner, Elisor, and other Officer and Minister shall possess all the powers and perform all the duties, in any way connected with the drafting, striking, returning and summoning such Jurors, as in and by this Act are prescribed to or vested in the Sheriffs of the different Counties, with respect to Jurors returned by them upon similar process.

How jurors to be summoned by Coroners and Elisors.

VIII.—SUMMONING JURORS.

85. The proper Officer shall summon every man bound to serve on Grand Juries or on Petit Juries, not being Special Juries, in any of the Courts aforesaid, eight days at least before the day on which the Juror is to attend, by delivering to him, or in case of his absence from the usual place of his abode, by leaving with some grown person there inhabiting, a note in writing under the hand of the Sheriff, or other proper Officer, containing the substance of such summons.

Jurors to be summoned, eight days.

86. The proper officer shall summon every man to serve on Special Juries in any of the Courts aforesaid, in the like manner as aforesaid, three days at the least before the day on which the Special Juror is to attend; which last mentioned day may be upon, or any day after, the first day of the Assizes at which the cause is to be tried.

Special jurors to be summoned, three days.

The Judges may make order as to calling on special jury cases for trial.

87. The Judges of the different Courts may, by any general rules to be made by them for that purpose, make such regulations as they deem expedient for regulating the time and manner of bringing on such Special Jury trials at *Nisi Prius*.

The proper officer to summon jurors whenever required.

88. The proper officer, notwithstanding any thing in this Act contained, shall summon, in the manner heretofore used and accustomed, every person required to serve upon any Inquest or Inquiry before any Coroner, or before any Commissioners appointed under the Great Seal of this Province, or under the Seal of either of Her Majesty's Superior Courts of Common Law at Toronto, or to serve as a talesman upon any Jury either for the trial of an issue, or assessment of damages, in any of the Courts aforesaid, or any matron to serve on a Jury *de ventre inspiciendo*.

Sheriff indemnified for returning unqualified persons, if in the rolls of jurors.

89. Every Sheriff, and other Officer or Minister to whom the return of Jurors belongs, is hereby indemnified for empannelling and returning any man as a Grand or Petit Juror named in and taken from the Grand or Petit Jurors' Rolls for the year in which he has been summoned, although he may not have been qualified or liable to serve as such Juror for such year.

EMPANNELLING GRAND JURY.

How grand jurors to be empannelled if a sufficient number do not appear.

90. When there do not appear as many as twelve of the Grand Jurors summoned upon a Panel returned upon any Precept to any Court of Criminal Jurisdiction, every such Court, upon request made for the Queen by Her Attorney or Solicitor General, or any of Her Counsel Learned in the Law, or in their absence, by the County Attorney, or by any one thereto authorized or assigned by such Court, shall command the Sheriff, or other Officer or Minister to whom the making of the return belongs, to name and appoint so many of such other able men of the County or City, as the case may be, then present, as will make up a Grand Inquest of twelve, and the Sheriff, or other Officer or Minister aforesaid, shall at such command of the Court, return such duly qualified men as are present or can be found, to serve on such Grand Inquests, and shall add and annex their names to the Panel returned upon such Precept; and the Court shall proceed with those Grand Jurors who were before empannelled, together with the Talesmen so newly added and annexed, as if all the said Jurors had been originally returned upon such Precept.

IX.—DRAWING JURY AT TRIAL.

Empannelling jury at the trial.

91. The name of each man summoned and empannelled as a Petit Juror upon the general Precept for any Sittings or Sessions of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace or County Court, with his place

of abode and addition, shall by the Sheriff be written distinctly on a piece of Parchment, Card or Paper, as nearly as may be of the form and size following, viz :

DAVID BOOTHE,
of Lot No. 11, in the 7th Con. of Albion,
MERCHANT.

and such names so written shall, by the direction and care of such Sheriff, be put together in a Box or Urn to be by him provided for that purpose, and shall be by him delivered to the Clerk of Assize, or other Clerk of such Court.

92. When any issue is brought on to be tried, or damages to be assessed, such Clerk of Assize, or other Clerk, shall :

How the Clerk is to proceed.

1. In open Court, cause such Box or Urn to be shaken so as sufficiently to mix the names, and then draw out twelve of the Parchments, Cards or Papers one after another, (causing the Box or Urn to be shaken after the drawing of each name,) and if any of the Jurors whose names are so drawn do not appear or are challenged and set aside, then such further number, until twelve Jurors are drawn, who do appear, and who after all just causes of challenge allowed, remain as fair and indifferent, and the first twelve Jurors so drawn appearing and approved as indifferent, their names being noted in the minute Book of the Clerk of Assize, or other Clerk of the Court, shall be sworn or affirmed (as the case may be), and shall be the Jury to try the issue, or assess the damages, and

Drawing names from the Box, &c.

2. The names of the men so drawn and sworn shall be kept apart by themselves until the Jury have given in their verdict, and the same has been recorded, or until such Jury have been by consent of the parties, or by leave of the Court, discharged, and then the same names shall be returned to the Box or Urn, there to be kept with the other names remaining at that time undrawn, and so *loties quoties* as long as any issue remains to be tried, or damages to be assessed.

Men drawn to be kept apart, &c.

93. If any issue is brought on to be tried, or damages to be assessed at any of the said Sittings or Sessions, before the Jury in any other cause have brought in their verdict, or been discharged, the Court may order twelve of the residue of the said Parchments, Cards or Papers (not containing the names of any of the Jurors who have not brought in their verdict or

If another Jury is required before the last drawn have brought in their verdict.

been

been discharged,) to be drawn in the manner last aforesaid, for the trial of the issue so brought on to be tried, or for the assessment of damages, as the case may be.

Several causes may be tried in succession by the same jury.

94. Notwithstanding the two last preceding Sections, where no objection is made on the part of the Queen, or any other party, the Court may try any issue or assess damages with the Jury previously drawn to try any other issue, or to assess damages without their names being returned to the box or urn, and redrawn, or may order to retire any of such Jurors whom both parties consent to withdraw, or who may be justly challenged or excused by the Court, and may cause another name or other names to be drawn from the box or urn, and shall try the issue or assess the damages with the residue of the original Jury and such new Jurors who appear and are approved as indifferent, and so *toties quoties* as long as any issue remains to be tried.

If a full jury do not appear, a tales may be granted.

95. When a full Jury does not appear before any Court of Assize and *Nisi Prius*, or before any sittings of any County Court for the trial of issues or assessment of damages as at *Nisi Prius* or before any Court of a City when engaged in the trial of a civil suit, or where, after the appearance of a full Jury, by challenge of any of the parties, the Jury is likely to remain untaken for default of Jurors, every such Court, upon request made for the Queen by any one thereto authorized or assigned by the Courts, or on request made by the parties Plaintiff, Demandant, Defendant or Tenant or their respective Attornies, in any action or suit, shall command the Sheriff or other Officer or Minister to whom the making of the return belongs, to name and appoint, as often as need requires, so many of such other able men, of the County or City, as the case may be, then present, as will make up a full Jury, and the Sheriff, or other Officer or Minister aforesaid, shall, at such command of the Court, return such duly qualified men as may be present, or can be found, to serve on such Jury, and shall add and annex their names to any Panel that has been returned upon any Precept or *venire facias*, in such cause.

X.—CHALLENGES.

The want of qualification, a good ground of challenge.

Not the want of freehold.

Not to extend to special jurors.

96. If any man not duly qualified is returned as a Juror for the trial of any issue in any cause, civil or criminal, or on any Penal Statute, the want of such qualification shall be a good cause of challenge, and he shall be discharged upon such challenge, if the Court is satisfied of the fact; But the want of a sufficient property qualification shall not, at the trial of any such case, be a good cause of challenge, either by the Crown or by the party, nor a cause for discharging the Juror upon his own application. And nothing herein contained shall extend in any wise to any Special Juror.

97. No person arraigned for murder or other felony shall be admitted to any peremptory challenge above the number of twenty.

Peremptory challenges limited to twenty in felony.

98. A defendant arraigned for a misdemeanor, or if there be more than one, such of them as are tried together and unite in their challenges, may challenge peremptorily without assigning any cause for the same, any three of the Jurors called upon to serve on such trial.

In misdemeanors, limited to three.

99. In all inquests to be taken before any of the Courts wherein the Queen is a party, howsoever it be, notwithstanding it be alleged by them that sue for the Queen, that the Jurors of those inquests or some of them, be not indifferent for the Queen, yet such inquests shall not remain untaken for that cause; but if they that sue for the Queen will challenge any of those Jurors, they shall assign of their challenge a cause certain, and the truth of the same challenge shall be inquired of according to the custom of the Court, and shall proceed to the taking of the same inquisitions as it shall be found if the challenges be true or not, after the discretion of the Court; But nothing herein contained shall affect or be construed to affect the power of any Court in Upper Canada, to order any Juror to stand by until the panel is gone through, at the prayer of them that prosecute for the Queen, as has been heretofore accustomed.

When the Crown bound to shew cause of challenge.

100. In any civil case, and any case upon Penal Statute, each party, the plaintiff or plaintiffs, demandant or demandants, on one side, and the defendant or defendants, tenant or tenants, on the other, may, on each side, except in the case of special Jurors, challenge peremptorily, without assigning any cause for the same, any three of the Jurors drawn to serve on the trial of the cause.

In civil cases each party may challenge three peremptorily.

THAT JURORS AFFIRM, NO CAUSE OF CHALLENGE.

101. It shall not be a good ground of challenge against any person, called upon to serve as a Juror, that he belongs to any Religious persuasion or denomination allowed by Law to affirm instead of taking an Oath, but every such person shall be as eligible and liable to serve on all Juries and inquests on his being affirmed, as if he had been sworn in the usual way.

That a juror affirm, no cause of challenge.

ENTRY AND CERTIFICATE OF SERVICE OF JURORS.

102. Immediately after the Sittings or Sessions of any Court of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, or County Court, the Sheriff shall, on the Jury List from which the Panel of Grand Jurors (if any) returned to such Sittings or Sessions was drafted, and on the Jury List from

The Sheriff to keep a record of jurors who serve;

from which the Panel of Petit Jurors returned upon the General Precept to such Sittings or Sessions was drafted, opposite the names of the Jurors respectively, note the non-attendance or default of all such of the Jurors in such Panels as have not duly attended and served upon such Panels until discharged by the Court.

And grant a certificate thereof if demanded.

103. Every Juror who has attended and served upon any such Panel as last aforesaid, shall (upon application by him made to the Sheriff or Deputy Sheriff, before he departs from the place of trial), receive a certificate testifying his attendance and service, which certificate the Sheriff or Deputy Sheriff shall give upon demand.

The High Bailiff to perform similar duties in Recorder's Courts.

104. Immediately after every Session of the Recorder's Court for any City, the High Bailiff of such City shall, on the Jury List from which the Panel of Grand Jurors returned to such Session was drafted, and on the Jury List from which the Panel of Petit Jurors returned upon the General Precept to such Session was drafted, opposite the names of the Jurors respectively, note the non-attendance or default of all such of the Jurors in such Panels respectively as have not duly attended and served upon such Panels until discharged by the Court.

Same subject.

105. Every Juror who has so attended and served upon any such Panel as last aforesaid, shall (upon application by him made to such High Bailiff or his Deputy before he departs from the place of trial) receive a certificate testifying his attendance and service, which certificate the High Bailiff or his Deputy shall give upon demand.

XI.—SPECIAL JURIES.

Either party may strike a special jury.

106. Her Majesty, or any prosecutor, Relator, Plaintiff, or Demondant, and any Defendant or Tenant in any case whatever, whether civil or criminal, or on any Penal Statute, excepting only on Indictments for Treason or Felony, may have the issue joined in any such case and triable by a Jury, tried by a Special Jury upon suing out the necessary Jury Process for that purpose, and procuring such Special Jury to be struck and duly summoned for the day on which the trial of such case is to be had, and every Jury so struck shall be the Jury returned for the Trial of such issue.

New trial in special jury cases.

107. In the event of a new Trial being ordered in any case after the verdict of a special Jury, the *venire facias juratores* shall set forth the names of the Jurors who sat on the first trial of such cause, or in the event of more trials than one having been previously had, the names of all Jurors who sat upon any of such trials, and none of the Jurors who so sat on any such former trial shall be returned or sit as Jurors upon any subsequent trial of the same cause.

108. In every case, the party desiring a Special Jury to be struck, whether an actor in the cause or not, shall have a right in person, or by his Attorney or Agent, to sue out a Writ of *venire facias juratores* for that purpose, and every such Writ before being delivered to the Sheriff, or other Officer or Minister to whom it is directed, shall be indorsed with a direction to such Sheriff, or other Officer or Minister, requiring him to return a Special Jury on the same, and every such Sheriff, or other Officer or Minister, upon receipt thereof, shall, by a Memorandum in writing upon such Writ, appoint some convenient day and hour for striking such Special Jury, the day and hour so fixed being sufficiently distant to enable the party suing out the said *venire* to give the necessary notice to the opposite party.

The party requiring a special jury may sue out a Writ of *Venire Facias Juratores*.

109. In any such case the party, his Attorney or Agent, suing out such *venire facias*, shall give notice in writing to the opposite party, his Attorney or Agent, that he has sued out a *venire facias* in the cause for the purpose of having a Special Jury struck therein, and of the day and hour appointed by the Sheriff or other Officer or Minister for striking the same, and such notice shall be served on such opposite party, his Attorney or Agent, four full days before the day so appointed, and an Affidavit or Affirmation of such service, or an admission in writing under the hand of the Attorney or Agent on whom it has been served, shall be produced to the Sheriff, or other Officer or Minister, at the time appointed for striking such Special Jury, and in default thereof the Sheriff, or other Officer or Minister, shall not proceed to strike the Special Jury upon such appointment.

Such party to give notice to the opposite party.

110. Every Special Jury to be struck under the authority of the one hundred and sixth section of this Act, shall, except as hereinafter provided, consist solely of persons whose names appear on either the Roll of Grand Jurors for the Superior or Inferior Courts for the year in which the Writ of *venire facias* is returnable, and the same shall be struck in the manner hereinafter provided.

Qualification of special juries to be struck under the 106th section.

111. Every such Special Jury shall be struck in the following manner, that is to say :

How a special jury is to be struck.

1. The Sheriff shall provide a set of Ballots or pieces of parchment, card or paper, of as uniform and convenient a size as reasonably may be, and containing the same number of Ballots as there are numbers on the respective Grand Jurors' Rolls from which the said Special Jury is to be struck, upon which ballots shall be printed or written, the whole of the numbers of such Grand Jurors' Rolls, allowing one number to each Ballot, and distinguishing each number by the letters S. C. or I. C. according as it belongs to the Roll of Grand Jurors for the Superior Courts, or to the Roll of Grand Jurors for the Inferior Courts ;

Ballots to be prepared.

Drawing
Jurors.

2. And at the office of the Clerk of the Peace, at the time appointed for such purpose, in the presence of all the parties in the case and of their Attorneys and Agents (if they respectively choose to attend, or if none of the said parties, their Attorneys or Agents, attend, then upon such proof as is hereinbefore provided of the service of the notice of striking such Special Jury), the Sheriff shall put all the said Ballots in the box or urn, and after having caused the said box or urn to be shaken so as sufficiently to mix the said Ballots, he shall draw out of the said box or urn forty of the said numbers, one after another, and shall, as each number is drawn, refer to the corresponding number in the Grand Jurors' Roll to which such Ballot may belong, and read aloud the name to which such number is appended in the said Roll;

Objection to
Jurors drawn.

3. And if at the time of so reading any such name, either party, or his Attorney or Agent, objects that the man whose name has been so drawn is in any manner incapacitated from serving on the said Jury, and also then and there proves the same to the satisfaction of such Sheriff, the name shall be set aside, and the said Sheriff shall instead thereof draw out of the said box or urn another number, and shall in like manner refer to the corresponding number in the Grand Jurors' Roll, to which such Ballot may belong, and read aloud the name to which such number is appended in the said Roll, and such name may be in like manner set aside, and other numbers and names be drawn according to the mode of proceeding hereinbefore described, for the purpose of supplying names in the places of those set aside, until the whole number of forty names not liable to be set aside is completed;

If forty names
cannot be ob-
tained.

4. And if in any case it so happens that the whole number of forty names cannot be obtained from the said Grand Jurors' Rolls, the Sheriff shall, in like manner from the Grand Jurors' Rolls in the Jurors' Book of the nearest year for which there is a Jurors' Book or certified copy thereof, in the office of the Clerk of the Peace, ballot, in addition to those already taken from the first mentioned Grand Jurors' Rolls, the number of names required to make up the full number of forty names;

Sheriff to
make list.
Striking out.

5. And the said Sheriff shall thereupon make out a List of the forty names, together with their respective places of abode and additions, from which List, after a reasonable time allowed in the discretion of such Sheriff for enquiry and consideration respecting the same, each party, his Attorney or Agent, shall strike out twelve names, such names being so struck out by parties one by one alternately, the party suing out the *venire facias* commencing;

Sixteen
Jurors at
least to be
summoned.

6. And the Sheriff shall return upon such *venire facias* the sixteen persons whose names remain on such List, to appear on the day appointed for the trial of such cause;

7. And from such sixteen persons, or so many of them as appear in obedience to the summons, shall be taken by Ballot in the manner hereinbefore by the ninety-second section of this Act prescribed for the drawing of Petit Jurors from the General Panel therein mentioned, a Special Jury for the trial of cause. Special Jurors how formed.

112. If any of the parties in the cause neglect to attend in person or by Attorney, or Agent, at the striking of the Special Jury, the Sheriff, upon production of the affidavit, affirmation or admission of service of the notice as aforesaid, and after waiting at least half an hour for such absent party, shall, if requested by the other party, his Attorney or Agent, proceed to strike the Special Jury, and in case of the continued absence of such first mentioned party, the Sheriff shall, on his behalf, strike out of the said List the twelve names to be by such party struck out of the List as aforesaid. How to proceed if either party fails to attend.

113. In case the Court of Chancery directs any issue or issues to be tried by a Special Jury, such Special Jury shall be struck and summoned in (as nearly as may be) the same manner as for the Superior Courts of Common Law. How if the Court of Chancery direct a trial by special jury.

JURIES OF MERCHANTS, &c.

114. In suits between :

1. Merchant and Merchant ; or
2. Trader and Trader ; or
3. Merchant and Trader, involving one or more questions of mercantile consideration ; and
4. In suits between Manufacturer and Manufacturer ; or
5. Mechanic and Mechanic ; or
6. Manufacturer and Mechanic, involving one or more questions of Mechanical or scientific consideration ; and
7. In suits between any of the former and any of the latter involving one or more of any of such questions ; and
8. In suits between any other persons involving one or more questions of scientific consideration ;

In what cases Juries of Merchants may be had.

Either of Her Majesty's Superior Courts of Common Law at Toronto, in Term time, or any Judge thereof, in Vacation, without consent of parties in all but the last mentioned case, and with consent of parties in the eighth or last mentioned case, may order and direct any such cause to be tried by a Special Jury of men belonging to the appropriate kind or kinds of business as aforesaid, In what cases the Court may order a special jury, with or without consent of parties.

aforsaid, or of scientific men respectively, as the case may be; but any such Rule not made with the consent of parties, shall be made only upon a rule to shew cause or summons upon which the adverse party has had the usual opportunity of being heard as in other cases.

Contents of the order for such jury.

To be struck by Elisors.

115. In every Rule for striking any such Special Jury, it shall be ordered that such Special Jury shall be struck, and the names of such Special Jury be certified to the Sheriff by three Elisors to be appointed in writing by endorsement upon such Rule, one by the Plaintiff in the cause, his Attorney or Agent, another by the Defendant, his Attorney or Agent, and the third by the Clerk or Deputy Clerk of the Crown and Pleas of the Court in which the cause is pending, or in case of such Elisors disagreeing, then by the majority of such Elisors, all three being present.

The Sheriff to summon.

116. The Sheriff shall return and summon upon the *venire facias* in such cause, the persons whom such Elisors, or the majority of them, certify to him to have been struck as Special Jurors for the trial of the same.

How Writ of Ven. Fa. to be indorsed.

117. The indorsement to return a Special Jury on the *venire facias* in every such cause, shall direct the Sheriff to return a Special Jury of men of the appropriate kind of business as aforesaid, or of scientific men, as the case may be, pursuant to such certificate as he may receive from the Elisors (naming them,) or a majority of them in that behalf appointed by such Rule.

How such special juries are to be struck.

118. Every such Special Jury shall be struck in the following manner, that is to say :

Appointment of a day.

1. The three Elisors, or a majority of them, upon the delivery to them of a copy of the Rule for such Special Jury and of the *venire facias* for the return of such Jury, shall, at the request of either of the parties in such cause, make an appointment in writing of a day, hour and place for striking such Special Jury as by the one hundred and eighth section of this Act is provided with respect to other Special Juries ;

List of qualified persons.

2. And upon notice of such appointment being served upon the opposite party, and such service being proved as in the same section is provided with respect to other Special Juries, the said Elisors shall, at the time and place so appointed, and after waiting the time prescribed by the one hundred and twelfth section, proceed to make a list of the names and additions of all the persons whose names appear on any of the Jurors' Rolls for the year in which such *venire facias* is returnable, and who in their judgment come within the description of persons required to be struck on such Jury according to the exigency of the Rule ;

3. And if there are not forty of such persons to be found upon such Rolls, and if the said Elisors, or the majority of them, know of a sufficient number of persons answering the description within the County, whether such persons are otherwise qualified and liable to serve, or exempt from serving as Jurors or not, provided they be not persons disqualified from any of the causes set forth in the twelfth section of this Act, the said Elisors, or a majority of them, shall add to the list the names and additions of a sufficient number of such persons, to complete the same to forty names ;

If there are not forty qualified.

4. And if there are the names of more than forty of such persons on such Rolls, the said Elisors, or the majority of them, from the names of all persons on such Rolls who answer such description, shall, in the manner prescribed by the one hundred and eleventh section of this Act for the striking other Special Juries, select forty of such names ;

If more than forty.

5. And the List of such forty names being thus completed, the same shall be reduced in the same manner as hereinbefore by the said one hundred and eleventh section provided with respect to other Special Juries ;

Reducing the List.

6. And the said Elisors shall thereupon give a certificate to each of the parties to the suit, their Attorney or Agent, certifying the names and additions of the sixteen persons whose names remain upon the List ;

Names sixteen Jurors to be certified to parties.

7. And every person so struck on any such Special Jury shall be liable to serve on the same, although exempted from serving upon Juries by the general provisions of the seventh, eight and ninth sections of this Act ;

As to exempted.

8. And the Sheriff, or other Officer to whom the *venire facias* is directed, shall, upon receipt of either of such certificates, return and summon such sixteen persons accordingly ;

Return and Summons.

9. And from these sixteen persons so returned shall be selected the Jury to try such cause, in the same way and under and subject to the like restrictions as by the one hundred and eleventh section of this Act is enacted with respect to other Special Juries ;

Striking Jury.

119. In case a Special Jury has been struck for the trial of any issue, the talesmen, if any are required, shall be selected from the Jurors empannelled upon the Common Jury Panel to serve at the same Court if a sufficient number of such men can be found, and the Queen, by any one duly authorized or assigned, and every party, may, in every such case, have their respective challenges to the talesmen so added, and the Court shall proceed to the trial of every such issue with those Jurors who were before empannelled, together with the talesmen so

In special jury cases, talesmen to be taken from the general panel.

newly added and annexed, as if all the said Jurors had been returned upon the Writ or Precept awarded to try the issue.

The same special jury may try several such cases—when.

120. Nothing herein contained shall prevent the same Special Jury, however nominated, from being summoned and returned, to try any number of causes, provided the parties in every such cause, or their Attorneys, have signified in writing to the Sheriff, or other Officer to whom the return of Juries in such cases belongs, their assent to the nomination and return of such special Jury for the trial of their respective cases: . But if such Juror has served upon one or more Special Juries at the same Assizes or Session of *Nisi Prius*, the Court may, upon his application, discharge him from serving upon any other Special Jury during the same Assizes or Session of *Nisi Prius*.

The party who sues out the Writ, to pay fees of striking, &c.

121. The party who sues out a *venire facias* for a Special Jury in any cause, shall pay the fees for striking such Special Jury, the fees of the Jurors, and all the expenses occasioned by the trial of the cause by such Special Jury, and shall not have any further or other allowance for the same upon taxation of costs than if the cause had been tried by a common Jury, unless the Judge who tried the case certifies under his hand, in open Court, immediately after the verdict, or afterwards, upon a Summons at Chambers, that the same was a cause proper to be tried by a Special Jury.

XII.—VIEWS, JURIES DE MEDIETATE LINGUÆ AND INQUESTS.

When a view may be granted.

122. When in any case, either Civil or Criminal, or on any Penal Statute depending in either of Her Majesty's Superior Courts of Common Law at Toronto, it appears to such Court or to any Judge thereof in vacation, that it will be proper and necessary that some of the Jurors who are to try the issues in such case, should have view of the place in question, in order to their better understanding the evidence that may be given upon the trial of such issues, such Court, or Judge in vacation, may order a Rule to be drawn up containing the usual terms, and, if such Court or Judge thinks fit, also requiring the party applying for the view, to deposit in the hands of the Sheriff a sum of money to be named in the Rule for payment of the expenses of the view.

Writ therefor.

123. Such Rule shall also command Special Writs of *venire facias* and *distringas* to issue, to the Sheriff or other Officer, to whom the said Writs are to be directed, commanding him to have six or more of the Jurors named in such Writs, or in the Panels thereunto annexed, (who are mutually consented to by the parties, or if they cannot agree, are drawn by ballot from such Panels,) at the place in question, some convenient time before the trial.

124. The Viewers shall, then and there, have the place in question shewn to them by two persons in the said writs named to be appointed by the Court or Judge; and the said Sheriff, or officer who is to execute such writ, shall, by a Special return thereto, certify that the view hath been had according to the command of the same, and shall specify the names of the viewers.

Locus in quo to be shewn to the viewers.

125. When the parties in any such case do not agree as to the Jurors to be nominated to take the view, the viewers shall, by the Sheriff or other Officer to whom the *venire facias juratores* in such case is directed, be drawn by ballot from the Panel returned upon such *venire facias*, at some time and place to be appointed by the Sheriff or other Officer for that purpose, in the like manner as by the ninetieth and ninety-first sections of this Act is provided for drawing Juries from the General Panel at *Nisi Prius*: But no such Sheriff or other Officer shall proceed to draw such viewers from such Panel without having first given at least forty-eight hours' notice in writing to the respective parties in the suit, of the day, hour and place of such drawing.

How shall the viewers be selected.

Notice.

126. When a view has been allowed in any case, those men who have had the view, or such of them as appear upon the Jury to try the issue, shall be first sworn, and so many only shall be added to the viewers who appear, as after all defaults and challenges allowed, make up a full Jury of twelve.

The viewers to be the first sworn on the jury.

127. Nothing herein contained shall extend to any Jury of matrons, or to any Writ *de ventre inspiciendo*, or to deprive any alien not naturalized who has been indicted or impeached of any felony or misdemeanor, of the right of being tried by a Jury *de medietate linguæ*, but on the prayer of every such alien so indicted or impeached, the Sheriff shall by command of the Court return for one half of the Jury a competent number of aliens, if so many there be in the Town or place where the trial is had, and if not, then so many aliens if any, as are found in the same town or place, and no such alien Juror shall be liable to be challenged for want of any qualification required by this Act, but every such alien may be challenged for any cause of disqualification in like manner as if he were otherwise qualified by this Act.

As to juries or matrons, *de medietate linguæ*, &c.

128. No man shall be liable to be summoned or empannelled to serve as a Juror in any County, City or Town, upon any inquest or inquiry to be taken or made by or before any Commissioners appointed under the Great Seal of the Province, or the Seal of any Court in Upper Canada having general jurisdiction throughout the same, or having general jurisdiction throughout any County of the same or throughout any City, or Town within the same, unless the name of such

No person to be summoned on juries whose name is not on the roll of Jurors.

such person appears upon one or other of the Jurors' Rolls for the year in which such person is called upon to serve on such inquest or inquiry.

Except on
Coroner ju-
ries, &c.

129. But nothing herein contained shall extend to any inquest to be taken by or before the Coroner of any County, Union of Counties, City or Town by virtue of his office, or to any inquest or inquiry to be taken or made by or before any Sheriff, High Bailiff, or Coroner, of any County, City or Town, but the Coroners, Sheriffs and High Bailiffs aforesaid, in all such Counties, Cities and Towns respectively, shall respectively take and make all inquests and inquiries by Jurors of the same description as they have been used and accustomed to do before the passing of this Act.

XIII.—APPLICATION OF CERTAIN PROVISIONS TO CITIES AND RECORDER'S COURTS.

Provisions
applicable to
Recorder's
Court.

130. In every City in which there is a Recorder's Court, or any other Court either Civil or Criminal, or both, having local jurisdiction within such City, and in which Court, or any Sittings or Sessions thereof, Jurors are required for the trial of issues of fact joined therein according to the course of Common Law :

The Clerk of
Recorder's
Court to per-
form the same
duties as the
Clerk of the
Peace, &c.

1. The Clerk of the Recorder's Court of every such City shall, annually, within the same period as is hereinbefore provided for the performance of a similar duty by the Clerks of the Peace and in a similar manner, prepare from such Reports of the Selectors of Jurors of the County within the limits of which the City is embraced, as have been returned for Wards or other local divisions lying within such City, a Jurors' Book for such City, inserting in the respective Jurors' Rolls in such Book, the names of the persons resident within such City, who, upon such Reports, or upon such of them as have then come in as aforesaid, are returned as qualified and liable to serve as Grand or Petit Jurors respectively, either in the Superior or Inferior Courts ;

But only two
rolls required.

2. Except only that there shall, in every such case, be but two Rolls, one of Grand Jurors, consisting of all such persons as have been so selected, balloted and reported for Grand Jurors in either the Superior or Inferior Courts, and the other, of all such persons as have been in like manner selected, balloted and reported for Petit Jurors in either the Superior or Inferior Courts, and the heads of such Rolls in such Jurors' Books shall be adapted to the same accordingly ;

The Recorder
to preside, &c.

3. And such Recorder's Court, the Recorder of such City, or the Chairman, or other presiding Member thereof, the Mayor, the Clerk of such Court for the time being, and the High Bailiff, shall respectively perform the like duties in respect of such Books, and the preparing and selecting of the Jury Lists from the Jurors' Rolls, as are hereinbefore prescribed to the
Selectors

Selectors of Jurors from the Jurors' Rolls for the respective Counties; and

4. All other duties which are by this Act prescribed to the Sheriffs of Counties, in respect of Jurors, whether Grand or Petit, within their respective Counties, shall, as respects Grand or Petit Juries for the Courts of any such Cities, be performed by and required of the High Bailiff or other officer, as aforesaid; and

High Bailiff to execute the duties required of Sheriff, &c.

5. The manner of drafting, striking, returning and summoning Juries by the Sheriff, upon writs of *venire facias juratores*, as prescribed by this Act, shall be observed and followed by the High Bailiff, Coroners, Elisors and other Officers having the return of Jury process within every such City, which High Bailiff, Coroners, Elisors and other Officers and Ministers shall for such purpose have free access, at all reasonable times, to the Jurors' Book, in the office of the Recorder's Court or other similar office of such City; and

In drafting jurors, &c.

6. Such High Bailiffs, Coroners, Elisors, and other Officers and Ministers of every such City, shall possess all the powers and perform all the duties in any way connected with the drafting, striking, returning and summoning such Juries by this Act prescribed to or vested in the Sheriffs of Counties with respect to Juries returned by them upon similar process.

Same subject.

131. In every case in which a Proclamation issues erecting any Town into a City upon, from and after the first day of January of the following year, a Jurors' Book shall be prepared, and Jury Lists selected for such City for such following year as above directed with respect to Junior Counties.

Juror's book when a Town becomes a City.

132. In every such case, the preparing the Books, the selecting of the Jury Lists and the performing of all other acts and things required by this Act to be done for such newly proclaimed City, shall be done and performed by the Selectors of Juries from the Jurors' Roll for the County within the limits of which such Town lies, in the like manner as according to the provisions hereof would, in the case of other Cities, be done and performed by the Clerk of the Recorder's Court of such Cities, the Recorder and Recorder's Court and the Officers of such Court respectively.

Clerk of the peace to perform *pro tem.* the duties of the Clerk of Recorder's Court.

133. In every such case, the Clerk of the Peace shall, on demand, deliver over to the Clerk of the Recorder's Court of the City erected as aforesaid, the Jurors' Book for such newly erected City, as soon as may be after the same has been completed, and the copies thereof made and deposited in the proper office, and the Clerk of the Recorder's Court shall thereupon give him a receipt for such Book.

Clerk of the peace to hand over jurors' book to Clerk of Recorder's Court.

Who to pay the expenses thereof.

134. Upon such receipt being filed with the Chamberlain of such City, and the accounts of the said Selectors for the services thus performed for such City, verified by affidavit before any Commissioner for taking affidavits for such County, and upon the same being properly audited and an order made for payment thereof, the Chamberlain of such City shall pay the amount of such accounts out of the like moneys as are herein-after provided with respect to the payment of similar accounts by the Chamberlains of other Cities, and such payment shall in like manner be allowed in the accounts of such Chamberlain.

Powers of Justices conferred upon Aldermen.

135. All the powers conferred and the duties imposed by this Act upon Justices of the Peace, with respect to Counties, are hereby conferred and imposed upon the Aldermen of Cities in which a Recorder's Court is established.

The duties of Sheriffs and High Bailiffs may be performed personally or by Deputy.

136. The duties by this Act required of the Sheriffs of the different Counties and of the High Bailiffs, or other similar Officers of Cities, and those also required of the Clerks of the Peace, and Clerks of the Recorder's Courts of Cities as aforesaid, may be performed either by the principal Officer himself, or by his Under-Sheriff or Deputy.

XIV.—OMISSIONS NOT TO VITIATE VERDICTS.

Omissions to observe the directions of this Act, not to vitiate the verdict, &c.

137. No omission to observe the directions in this Act contained, or any of them, as respects the qualification, selection, balloting and distribution of Jurors, the preparation of the Jurors' Book, the selecting Jury Lists, from the Jurors' Rolls, the drafting panels from the Jury Lists, or the striking of Special Juries, shall be a ground of impeaching the verdict in any cause, or be allowed for error upon any writ of error or appeal to be brought upon any judgment hereafter rendered in any case, criminal or civil, by any Court in Upper Canada.

XV.—PAYMENT OF JURORS.

1. GRAND JURORS.

County Councils to provide funds for paying Grand Jurors.

138. The several County Councils shall from time to time by By-law, in their discretion, provide for the payment to Grand Jurors, either at the Courts of Oyer and Terminer and General Gaol Delivery, or at the General Quarter Sessions, out of the County funds, such sum per diem as they deem reasonable.

2. PETIT JURORS.

Allowance to petit jurors attending certain Courts.

139. Every Petit Juryman actually attending any of the Courts of Assize and Nisi Prius, Oyer and Terminer, General Gaol Delivery, General Quarter Sessions of the Peace, or County Courts in Upper Canada, shall be entitled to receive in the

the manner hereinafter provided, the sum of one dollar per day, for every day he attends such Court, and the sum of ten cents per mile for every mile he necessarily travels from his place of residence to the said Court, or such other sums as the County Council by By-law from time to time fixes and determines, and the distance travelled shall be ascertained by the declaration of the Sheriff's Bailiff who summoned such Juror, or by the declaration of the Juror himself: But every Juror who makes a false declaration respecting such distance, shall forfeit his right to receive any payment for travelling to or attending such Court as a Juror. False declaration.

140. No Petit Juror shall be entitled to any fee or allowance other than is provided by or under this Act. Only fees.

141. Every Sheriff shall make a pay list for the Petit Jurors summoned to attend any of the aforesaid Courts in the form set forth in the Schedule to this Act marked C, and shall attend or cause some Officer to attend at the opening of the Court, on the morning of every day on which such Court sits for the trial of causes by Jury, and upon the Petit Jurors being called over, shall check and mark the word "present," or "absent," as the case may be, in the proper column of such list opposite the name of every such Juror, and on the last day of the sitting of such Court shall certify and return the said pay list to the Treasurer of the County. Sheriff to make a pay list for petit jurors.

142. The said pay list, checked and certified as aforesaid, shall be a sufficient authority for the Treasurer to pay to each Petit Juror the sum to which he appears entitled, as certified by such list, and the Treasurer shall forthwith pay every such Juror the sum so appearing due to him on such list. Treasurer to pay the jurors.

143. Every Sheriff shall be entitled to receive from the Treasurer of the County of which he is Sheriff, such sum for each pay list, and such sum per diem for checking the same every day at the opening of the Court, and for certifying and returning the same to the Treasurer, as the County Council by By-law determines; and the Courts of Oyer and Terminer and General Gaol Delivery and of Assize and Nisi Prius, when holden at the same time and under the same precept and panel of Jurors, shall be one Court; and the County Court and General Quarter Sessions shall be one Court for the purposes of payment of Jurors, and the duty of calling over Jurors at the opening of the Court daily shall be performed by the Clerk of whichever of the said Courts respectively is first opened. Allowances to Sheriffs.

144. The Marshal or Clerk of Assize, the Clerk of the County Court or Clerk of the Peace, as the case may be, shall, at the opening of the Court, and before any other business is proceeded with, call over the names of the Petit Jurors, that the Sheriff or his Officer may check who are present or absent. List of jurors to be called over daily when Court opens.

Jurors not attending to be fined.

145. A Petit Juror, not appearing when so called, shall not be entitled to any pay for the day on which he makes default, and shall, for every default he makes during the day, be liable to such a fine as to the Court seems meet.

FUND FOR PAYMENT OF JURORS.

FEEES ON ENTRY OF NISI PRIUS RECORDS.

Sums to be paid with record when entered for trial.

146. To the Clerk of Assize for every County, there shall be paid, with every record entered for trial or assessment, the sum of Three Dollars, and to the Clerks of the several County Courts the sum of One Dollar and Fifty Cents; which sums shall forthwith be paid over to the Treasurer, and shall form part of the fund from which Petit Jurors are to be paid.

Record not to be entered unless sum is paid.

147. No Record shall be entered for trial or assessment unless the sums before mentioned are first paid.

FEEES IN CRIMINAL CASES.

The like in criminal cases where either party is liable to pay costs.

148. In all criminal cases in which by law the party prosecuting or the party prosecuted is liable to pay the costs of the prosecution, the Officer of the Court shall charge against and receive from the party so liable the sum of Three Dollars over and above the sum to which he is otherwise liable, and such sum of Three Dollars shall form part of the fund for the payment of Petit Jurors, and shall forthwith be paid over by the Officer receiving it to the Treasurer of the County in which the prosecution has been carried on.

Certain fines to go towards payment of jurors.

149. All fines and penalties imposed upon and levied in the several Counties in Upper Canada, not payable to the Receiver General or to any Municipal Corporation, and all fines upon Jurors for non-attendance levied therein, shall be paid to the Treasurers of each of the said Counties respectively, and shall form part of the fund for the payment of Petit Jurors under this Act.

COUNTY COUNCILS TO SUPPLY DEFICIENCY.

County Councils to provide funds for paying jurors.

150. In case the sums appropriated by this Act are not sufficient to pay the said Jurors, the several County Councils shall raise and appropriate such sums of money as in their judgment are sufficient to pay the Petit Jurors according to the terms of this Act.

Certain clauses not to apply to Counties not providing such fund.

151. The thirteen last preceding clauses of this Act being sections numbered from one hundred and thirty-eight to one hundred and fifty, both included, shall not be in force in, or apply to any County during the present year in which the County

County Council of such County shall not have appropriated a sum of money for the payment of Jurors; and every County Council which shall not have made such provision shall, at the regular meeting in January next, make provision for, and appropriate a sum of money for payment of Jurors for such County; and in every such County, until such provision is made, every Petit Juror shall be allowed the sum of twenty-five cents in every cause in which he is sworn as a Juror in any civil case in the Superior Courts or at the Assizes, and the sum of twelve and a half cents in cases in the County Courts, such fee to be paid by the plaintiff or his Attorney, and to be accounted for in costs by the party charged with the payment thereof.

152. In every County in which a Petit Jury fund is or may be provided, the Treasurer of such County shall give notice to the Sheriff of the County, who shall thereupon perform the duties imposed upon him under this Act.

County Treasurer to notify Sheriff when funds are provided.

153. The Municipal Corporation of any County in Upper Canada of which a City forms part for judicial purposes, may demand and recover from the Municipal Corporation of such City a portion of the expenses incurred by such County, in any year, for the payment of Jurors, which portion shall be determined as follows:

Cities bound to contribute.

1. From the total sum expended in the County in any year, for the payment of Jurors and other fees and disbursements under this Act, there shall be deducted the sums paid to Jurors for attendance at the Courts of Quarter Sessions, and the sum actually received by the County in such year for fees and penalties, which under this Act are appropriated towards the payment of Jurors;

Deduction to be made from total sum expended.

2. Of the sum remaining after such deduction, the portion to be finally borne by the City and by the County respectively, shall be in proportion to the assessed value of all the rateable property in each, and the sum to be finally borne by the City shall be the sum to be repaid by the Municipal Corporation thereof to that of the County;

Portion to be finally borne by the City, &c.

3. In comparing the value of the rateable property in any City and County for the purposes of this Act, the assessed annual value shall be held to be ten per cent. of the actual value.

Assessed annual value, &c.

154. The actual or annual value of rateable property in a City or County for the purposes of this Act, shall be that shewn by the Assessment-Rolls of each, for the year in which the expenses to be divided between them have been incurred, and the portion of such expenses to be finally borne by the City shall be payable to the County immediately after the close of each year.

Annual value of rateable property to be that shewn by assessment-rolls.

The Council of Cities to raise the necessary funds by assessment, &c.

155. The Common Council of any City shall raise by assessment the sum of money required by such City for the purposes of this Act, or shall pay such sum out of any moneys belonging to the City and applicable to municipal purposes generally.

XVI.—FEES TO OFFICERS.

1. TO SELECTORS.

Allowance to selectors, and how payable.

156. The Selectors of Jurors under the thirteenth section of this Act, for every selection and distribution of Jurors, and the Report thereof made by them under this Act, shall be entitled to such sum of money as is authorized to be awarded them by the Council of the Municipality of which they are respectively Officers; and such sum of money shall be paid to them respectively by the Treasurers (or Chamberlains, as the case may be,) of their respective Townships, Villages, Towns and Cities, in such manner as such Municipal Councils may severally direct upon receipt of a certificate from the Clerk of the Peace that the Report has been returned to him within the time limited by Law; and the Selectors of Jurors under the forty-ninth section of this Act shall be entitled to the sum of four dollars each for each day's attendance for the purpose of selecting such Jurors, and such moneys shall be paid by the Treasurers of the County (or Chamberlains of the City) to every such Selector of Jurors upon receipt of a certificate from the Clerk of the Peace for the County or Union of Counties, that the duties required of such Selectors have been duly performed by them.

2. TO CLERKS OF THE PEACE, AND OF RECORDER'S COURTS.

Fees to Clerks of Peace and of Recorder's Courts.

157. The Clerk of the Peace of every County, and the Clerks of the Recorder's Courts, in every City in which a Recorder's Court is established, shall be entitled to the following sums of money for the respective services performed by them under this Act, that is to say :

1. For receiving and examining the Reports of Selectors for each City, Town, Village and Township, causing any deficiency which may be found therein to be supplied, and filing the same in his office, fifty cents ;

2. For giving certificates to Selectors of Jurors, of duties having been performed, fifty cents ;

3. For preparing in proper form each Jurors' book, and superintending the making up of the same (besides actual disbursements for stationer's charges) three dollars ;

4. For arranging alphabetically and in order the names contained in Selector's Report, per one hundred names, two dollars;
5. For making up Jurors' books, entering all the names and numbers, and all other matters required to be entered therein, per one hundred names, two dollars;
6. For each copy of the Jurors' book required by this Act, per one hundred names, two dollars;
7. For each certificate required to be entered on the Jurors' book to verify same, one dollar;
8. For copy of Jury list required to be entered, per one hundred names, two dollars;
9. For each panel of Jurors drafted from the Jury list, per one hundred names on such Jury list, two dollars;
10. For entering each panel in the Jurors' book, with the numbers corresponding to the Jury list, two dollars;
11. For making up aggregate return in detail of Jurors, five dollars;
12. For copy thereof, and transmitting same to Provincial Secretary when required, and for office copy of the same, each, two dollars.

3. TO SHERIFFS, &c.

158. The Sheriff, High Bailiff or other officer of every such County or City, shall, exclusive of such fees as he may be entitled to from the parties in any suit, be entitled to the following sums of money for the respective services performed by him under this Act, that is to say:

Fees to Sheriffs, High Bailiffs, &c.

1. For each panel of Jurors, whether Grand or Petit, returned and summoned by him in obedience to any general precept for the Return of Grand or Petit Jurors for any sittings or sessions of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace or County or Recorder's Court respectively, under this Act, four dollars;
2. For copies of such panel to be returned to the offices of the Superior Courts of Common Law at Toronto, each, one dollar;
3. For every summons served upon the Jurors on any panel, the sum of twenty-five cents;

4. And in the case of Sheriffs of Counties, the further sum of eight cents for every mile that the Sheriff or his Deputy or Bailiffs necessarily and actually travelled in going only from the County Town for the purpose of serving such summonses ;

5. And for every certificate given to any of such Jurors of his having served, to evidence his exemption from serving again until his time for doing so returns in its course, the sum of twenty cents.

4. TO CRIERS.

Fees to Criers
of Quarter
Sessions.

159. And the Crier of every such Court of Quarter Sessions, or Recorder's Court, shall, for making the Proclamations, calling the names of all those drawn in the course of selecting such Jury Lists, and performing all other duties required of him under this Act, be entitled to the sum of one dollar and fifty cents, for every one hundred names so drawn.

If there are
more than one
hundred
names.

160. In all the foregoing cases, when there are more than one hundred, or more than an even number of hundreds of such names, if the broken number beyond such hundred or hundreds falls short of fifty names, the same shall not be reckoned, and if such broken number shall amount to fifty names or upwards, the same shall be reckoned as a full hundred, but in all cases of there being altogether less than a single hundred, the same shall be reckoned as a full hundred.

How the said
fees shall be
paid.

161. Upon proof, by affidavit made before a Commissioner for taking affidavits in one of Her Majesty's Superior Courts of Common Law, of such several services having been executed, or in case of the Sheriff of such travel having been necessarily performed in going to effect the service of such Summonses, accompanied with a detailed account showing the number of miles actually and necessarily travelled in going to serve each Juror, so that at the end of the service the officer summoning the jury shall only be entitled to mileage for the number of miles actually travelled, and upon the same being properly audited, and an order of the Court of Quarter Sessions being made for the payment thereof, the Treasurer of the County, or the Chamberlain of the City, as the case may be, shall pay such fees to such Officers respectively, out of any money in his hands belonging to such County or City respectively, not otherwise specially appropriated by Act of Parliament: and for all such moneys so paid, every such Treasurer and Chamberlain shall be allowed in his accounts with the County or City, as if the same had been paid under the special authority and direction of the Municipal Council of such County or City respectively.

XVII.—PENALTIES.

162. The Queen shall not, nor shall any one on Her behalf, nor shall any party or parties in any case whatsoever, commence or prosecute any writ of attaint against any Jury or Jurors for the verdict by them given, or against the party or parties who have Judgment upon such verdict, and no inquests shall be taken to inquire of the concealments of other inquests, but all such attaints and inquests have been and are abolished.

Attaints of jurors abolished.

163. Notwithstanding any thing herein contained, every person who is guilty of the offence of embracery, and every Juror who wilfully or corruptly consents thereto, shall be respectively proceeded against by indictment or information, and be punished by fine and imprisonment, in like manner as such person and Juror might have been before the passing of this Act.

Embracery punishable as heretofore.

164. If any person, having been duly summoned to attend on any Jury, in any of the Courts hereinbefore mentioned, does not attend in pursuance of such Summons, or being there called, does not answer to his name; or if any such Juror, or any talesman, after having been called, is present, but does not appear, or after his appearance wilfully withdraws himself from the presence of the Court, the Court shall set such fine upon every such Juror or talesman (unless some reasonable excuse is proved by oath, affidavit or affirmation,) as the Court thinks meet.

On jurors for non-attendance.

165. Where any viewer, having been duly summoned to attend on a Jury, makes default, as in the last preceding section is set forth, the Court at which he has been summoned to attend for the trial of such cause, shall set upon such viewer, (unless some reasonable excuse is proved as aforesaid,) a fine in the discretion of the Court to the amount of twenty dollars at the least.

On viewers for non-attendance.

166. If any person, having been duly summoned and returned to serve as a Juror in any County, City or Town upon any inquest or inquiry, before any Sheriff or Coroner, or before any of the Commissioners aforesaid, does not, after being openly called three times, appear and serve as such Juror, every such Sheriff, Coroner and Commissioners respectively, shall (unless some reasonable excuse is proved on oath, affidavit or affirmation) impose such fine upon the person so making default, as they respectively think fit, not exceeding twenty dollars.

On jurors upon inquests and inquiries, &c.

167. Every such Sheriff, Coroner and Commissioner respectively, shall make out and sign a certificate containing the christian and surname, the residence and addition of every man so making default, together with the amount of the fine imposed and the cause of such fine, and transmit such certificate to the Clerk

Sheriff to certify defaults and transmit copies.

Clerk of the Peace for the County or Clerk of the Recorder's Court of the City in which such defaulter resides, on or before the first day of the General Quarter Sessions of the Peace, or Sessions of the Recorder's Court next ensuing.

Fines to be
estreated.

168. And every such Clerk shall copy the fines so certified on the Roll on which all fines and forfeitures imposed at such Quarter Sessions or Sittings, or Sessions of such Recorder's Court, are copied, and the same shall be estreated, levied and applied in like manner, and subject to the like powers, provisions and penalties in all respects, as if they had been part of the fines imposed at such Quarter Sessions or Sittings respectively.

On Sheriffs,
&c., for de-
fault to per-
form duties
assigned to
them.

169. If any Sheriff, or other Officer or Minister as aforesaid, wilfully empannels and returns any person to serve on a Jury in any of the Courts aforesaid, whose name has not been duly drawn upon such Panel, in the manner in this Act prescribed, or if any Clerk of Assize, Clerk of the Peace, Clerk of the Recorder's Court or other Officer of any of the Courts aforesaid, wilfully records the appearance of any man so summoned and returned who has not really appeared,—in every such case, the Court shall, upon examination in a summary way, set such fine upon such Sheriff, Officer or other Minister, Clerk of Assize, Clerk of the Peace, Clerk of the Recorder's Court, or other Officer offending, as the Court thinks meet.

On Sheriffs,
&c., taking
money as a
bribe.

170. No Sheriff, Deputy Sheriff, Coroner, Elisor, Bailiff or other Officer, or person whatsoever, shall directly or indirectly, take or receive any money or other reward or promise of money or reward, to excuse any man from serving or being summoned to serve on Juries, or under any such colour or pretence; and no Bailiff, or other Officer appointed by any Sheriff, Under-Sheriff, Coroner or Elisor, to summon Jurors, shall summon or pretend to summon any man to serve thereon other than those whose names are specified in a Warrant or Mandate signed by such Sheriff, Under-Sheriff, Coroner or Elisor, and directed to such Bailiff, or other Officer; and if any Sheriff, Deputy Sheriff, Coroner, Elisor, Bailiff or other Officer, wilfully transgresses in any of the cases aforesaid, or summon any of the Jurors, not being a Special Juror, less than eight days before the day on which he is required to attend, or summon any Special Juror less than three days before the day on which he is to attend, except in the cases hereinbefore excepted, the Court of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, County and Recorder's Court respectively, within whose jurisdiction the offence has been committed, shall, on examination and proof of such offence in a summary way, set such fine upon every person so offending, as the Court thinks meet.

171. If any Sheriff or Deputy Sheriff of any County, or any High Bailiff or other Officer of any City, makes, or causes to be made, any alteration whatever in any of the Rolls, Lists or Panels in any Jurors' Book, or in the certified copies thereof in their official custody respectively, except in compliance with the directions in this Act contained, or neglects or refuses to prepare the Jurors' Book, the Ballots necessary for drafting the Panels, striking Special Juries, and drawing Juries at the trial, or neglects or omits to return such Jurors' Book, and the Ballots for drafting such Jury Lists, to the Court to which by this Act he is required to return the same, or neglects or omits to perform any other duty required of him by this Act, or wilfully does any thing inconsistent with the provisions of this Act ;

On Sheriffs, &c., making any unauthorized alteration in any jurors' book, or neglecting to return the same, &c.

2. Or, if any Deputy or Clerk of the Crown and Pleas, makes, or causes to be made, any alteration whatever in the Rolls, Lists or Panels in any Jurors' Book, or in any copy thereof, deposited in his office, or wilfully certifies as true any copy of any Jurors' Book, or any Roll, List or Panel therein, which is not a true copy thereof ;

On Deputy Clerks of Crown and Pleas, altering Lists, &c.

3. Or, if any Assessor of any Township, Village or Ward in Upper Canada, neglects or omits to make out and complete his Assessment-Roll for such Township, Village or Ward, and to return the same to the office of the Clerk of such Township or Village, or of the City or Town in which any such Ward is situated, or other office or place of deposit for such Roll, on or before the first day of September of the year for which he is such Assessor ;

On Assessors not making and returning the assessment-roll in proper time.

4. Or, if any City, Town, Village or Township Clerk, or any Assessor, or other Officer or person who, at the time of the annual meeting of the Selectors of Jurors for any City, Town, Village or Township, has the actual charge or custody of the Assessment-Rolls or Assessment-Roll of such City, Town, Village or Township for such year, neglects, or omits to perform the duties required of him by the sixteenth section of this Act, as regards the production of such Roll or Rolls at the annual meeting of such Selectors, or the permitting such Selectors to have necessary access to the same for the purposes of their duty ;

On municipal officer not producing assessment-roll as required.

5. Or, if any Selector of Jurors for any Township, Village or Ward in Upper Canada, wilfully selects, ballots and reports, as qualified and liable to serve as a Grand or Petit Juror, any person who, according to the provisions of this Act, ought not to be so selected, balloted or reported, or takes any money or other reward for so selecting, balloting or reporting or omitting to select, ballot or report any person whomsoever, or wilfully inserts in any such Report a wrong description of the name, place of abode, or addition of any one so selected, balloted and reported, or neglects or omits to complete his

On selectors of jurors for wilful dereliction of duty.

his selection, ballot and Report, and to deposit the same in the proper office on or before the fifteenth day of September of the year for which he acts as such Selector of Jurors;

On Clerks of Peace for willful dereliction of duty.

6. Or, if any Clerk of the Peace, or Clerk of any Recorder's Court of any City, or his Deputy, when acting in performance of the duties required of him by this Act, neglects or omits to perform any duty required of him in the manner herein prescribed, or willfully does any thing inconsistent therewith;

Amount of penalty, and how to be applied.

7. In all such cases, every such person so offending, shall, for such offence, forfeit the sum of two hundred dollars, one moiety thereof to the use of Her Majesty, to be paid over to the Treasurer and applied as provided by the one hundred and forty-ninth section of this Act, and the other moiety thereof, with full costs, to any person who sues for the same, in any Court of competent jurisdiction, by action of debt or information; provided that nothing herein contained shall be construed to relieve any Assessor from the obligation of returning the Assessment-Roll at an earlier period of the year, or from any penalty he may incur by not returning the same accordingly.

How pecuniary penalties shall be levied and applied.

172. Except as otherwise provided by the one hundred and forty-ninth section of this Act, all fines imposed under this Act by either of Her Majesty's Superior Courts of Common Law at Toronto, or by any Court of Assize and *Nisi Prius*, Oyer and Terminer, Gaol Delivery, Sessions of the Peace, County Court, or Recorder's Court, shall be levied and applied in the same manner as other fines imposed by this Act.

Recovery by summary proceeding. Mitigation of penalty.

173. All other penalties under this Act, for which no other remedy is given, may be recovered by summary proceeding before any Justice of the Peace having jurisdiction, over the offence, which Justice may, on any complaint, hear and examine witnesses on oath or affirmation, and determine the same, and if he sees fit, may mitigate the penalty to the extent of a moiety thereof.

Committal for non-payment.

174. Unless the penalty be forthwith paid upon conviction, such Justice shall, by warrant under his hand and seal, levy the same by distress and sale of the offender's goods and chattels, and for want of sufficient distress, the offender shall be committed by warrant, under the hand and seal of such Justice, to the Common Gaol or House of Correction, for such term, not exceeding six calendar months, as such Justice thinks proper, unless such penalty be sooner paid; and all penalties shall be paid to the Treasurer as hereinbefore provided.

XVIII.—MISCELLANEOUS PROVISIONS.

Year, what.

175. The year, for the purposes of this Act, shall be the calendar year.

176. Nothing herein contained shall be construed to affect or alter any Statute or Law whereby the affirmation of any person belonging to certain religious societies, classes or descriptions of persons is allowed, or directed to be in all cases received and taken from such person in lieu of an oath. Affirmations instead of oaths.

177. Whenever any legal proceeding in which a Jury was empannelled is required to be set out, it shall not be necessary to specify that any particular person or persons who acted as Jurors made affirmation instead of oath, but it may be stated that they served as Jurymen, in the same manner as if no Act had passed for enabling persons to serve as Jurymen without oath. Certain allegations not necessary in setting out legal proceedings.

178. In pleading, citing or otherwise referring to this Act, and any other Acts that may be hereafter passed touching or concerning or in any wise relating to Jurors, Juries or Inquests generally, it shall be sufficient to use the expression, *The Upper Canada Jurors' Act of 1858*, or words of equivalent import. Short titles of this Act, and others, relative to jurors in Upper Canada.

179. All former Acts relating to Jurors and all Acts inconsistent herewith are hereby repealed. Repeal.

180. This Act shall extend and apply to Upper Canada only. To apply to U. C. only.



SCHEDULE A.

REPORT of the selection and distribution of Jurors for the Township of Albion (or for the Ward of St. James, in the City of Toronto), in the County of York, for the year 18 , made at the Town (or City) Hall of the said Township (or City) by A. B. Townreeve (or Mayor), C. D. Town (or City) Clerk, and E. F., G. H. and I. J. Assessors of the said Township (or Ward), on the day of in the year 18 , pursuant to the directions of the Upper Canada Jurors' Act of 18 . (1)

FIRST DIVISION

For the Roll of Grand Jurors to serve in Her Majesty's Superior Courts of Criminal Jurisdiction.

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or Unincorporated Village or Hamlet, where known to the Selectors.	ADDITIONS.
John Anderson	16	2	Esquire.
Peter Cameron	4	6	Yeoman.
William O'Leary	—	Oatlands	Gentleman.
Alfred Piper	17	1	Esquire.
&c.			

SECOND DIVISION

For the Roll of Grand Jurors to serve in Her Majesty's Inferior Courts of Criminal Jurisdiction.

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or Unincorporated Village or Hamlet, where known to the Selectors.	ADDITIONS.
William Adams	9	4	Gentleman.
Richard House	7	5	Yeoman.
Jacob Wyse	2	1	Tailor.
Allan Thomas	24	5	Esquire.
&c.			

THIRD DIVISION

For the Roll of Petit Jurors to serve in Her Majesty's Superior Courts of Criminal Jurisdiction.

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or Unincorporated Village or Hamlet, where known to the Selectors.	ADDITIONS.
David Boothe.....	11	7	Merchant.
George Sullivan.....	3	4	Esquire.
Nathan Lowe.....	6	1	Shoemaker.
Henry Grace.....	24	7	Yeoman.
&c.			

FOURTH DIVISION

For the Roll of Petit Jurors to serve in Her Majesty's Inferior Courts of Criminal Jurisdiction.

NAMES.	No. of Lot or House, where known to the Selectors.	Concession or Street, or Unincorporated Village or Hamlet, where known to the Selectors.	ADDITIONS.
George Gule.....	7	3	Tailor.
Samuel Jones.....	15	3	Yeoman.
William Carpenter.....	7	3	Esquire.
Thomas Hoole Rogers.....	11	1	Gentleman.
&c.			

We, the above-named Selectors of Jurors for the Township of Albion (or as the case may be) (2) do hereby solemnly declare, each severally for himself, that we have made the Selection and Distribution of Jurors in this Report from the Assessment-Roll of the said Township for the present year to the best of our judgment and information, pursuant to the directions of the Upper Canada Jurors' Act of 18 , and that we have made so the same without fear, favour or affection of, to or for any person or persons whomsoever, gain, reward or hope thereof, other than the fees to which we are entitled under the provisions of the said Act.

Witness our Hands and Seals, the day and year last above written.

A. B. [L. S.] Townreeve.

C. D. [L. S.] Town Clerk.

E. F. [L. S.] Assessor.

G. H. [L. S.] Assessor.

I. J. [L. S.] Assessor.

SCHEDULE

SCHEDULE B.

The JURORS' BOOK for the County of York, for the year 1858. (1)

1.—ROLL OF GRAND JURORS

To serve in Her Majesty's Superior Courts (2) of Criminal Jurisdiction.

No. on Roll.	NAMES.	No. of Lot or House as in Report of Selectors.	Concession or Street, or Unincorporated Village or Hamlet, as in Report of Selectors.	Additions.	No. on List.	Remarks.
1 ALBION, (Township.)						
1	Anderson John.....	16	2	Esquire,		Exempted, having served on G. J. List, S. C. 1820.
2	Aylof Graham.....	9	4	Gentleman,		
3	Boswoth David.....	11	7	Merchant,		
4	Cameron Peter..... (&c., to, say)	4	6	Yeoman,		
20	Young David.....	7	8	Tailor,	3	
2 BROCK, (Township.)						
21	Allan Simon.....	21	7	Yeoman,		2
22	Bolland George..... (&c., to, say)	5	12	Gentleman,		
31	Wilkinson James...	13	4	Esquire,		
32	Yates Edward.....	1	5	Yeoman,	144	
3 YORKVILLE, (Village.)						
4 ST. JAMES WARD, (City of Toronto.) [&c., to, say]						
26 YORK, (Township.)						
503	Arthur Thomas.....	3	2 From Bay.	Yeoman,	1	
504	Bull Peter.....	14	1 E. Yonge St.	Yeoman,		

These are to certify that I have carefully compared the above Grand Jurors' Roll with the Reports made by the several Selectors of Jurors for the different Townships, Villages and Wards in the County of York, including the City of Toronto, as embraced within the same for certain judicial purposes, for the year one thousand eight hundred and fifty-eight, as such Reports remained with me as Clerk of the Peace on the fifteenth day of September in that year, and that such Grand Jurors' Roll contains a true and correct transcript of the names, descriptions and additions of all persons so selected and reported as competent, qualified and liable to serve as Grand Jurors in Her Majesty's Superior Courts of Criminal Jurisdiction for such County.

Witness my hand, this
eight hundred and fifty-

day of , one thousand

E. F., Clerk of the Peace.

2.—THE GRAND JURY LIST

For the Superior Courts, (2) as selected in open Court, at a General Quarter Session of the Peace for the County, on the _____ day of _____, 18____, being the first day of the first General Quarter Sessions of the Peace for the County, held next after the first day of October in that year, by C. D., Chairman of the said Court, and the undersigned Selectors, pursuant to the directions of the Act of Parliament.

No. on List.	NAMES.	No. of Lot or House, as in Jurors' Roll.	Concession or Street, or Unincorporated Village or Hamlet, as in Jurors' Roll.	Township, Village or Ward.	Additions.	No. of Roll.	No. of Panel.	Remarks.
1	Arthur Thomas.	3	2 From Bay,	York	Yeoman	503	1	Served accordingly. Omitted to attend altogether.
2	Bollands George.	5	12	Brock	Gentleman	22	1	
3	Young David. (&c. to)	7	8	Albion	Tailor	20		
144	Yates Edward..	1	5	Brock	Yeoman	32	1	Served accordingly.

These are to certify that on _____, the _____ day of _____ instant, being the first day of the first General Quarter Sessions of the Peace for the County of York, next after the first day of October in this year (6), the foregoing Grand Jury List for the Superior Courts for this County for the year one thousand eight hundred and _____, was in open Court duly selected, canvassed and transferred from the Roll of Grand Jurors to serve in Her Majesty's Superior Courts of Criminal Jurisdiction for the same year, pursuant to the directions of the Act of Parliament of (3)

Witness our hands, this _____ day of _____, one thousand eight hundred and fifty-

_____ day of _____, one thousand

C. D. Chairman.
E. F. Clerk of the Peace.
G. H. Warden.

3.—GRAND JURY PANELS FOR THE SUPERIOR COURTS. (2)

(a) No. 1.

PANEL of Grand Jurors returned upon a precept from the Honorable G. H., the Honorable I. J., [&c.] Her Majesty's Justices in that behalf, tested the _____ day of _____ 185____, for the return of twenty-four of such Jurors for the Sessions of *Oyer and Terminer* and Gaol Delivery, to be held for this County on the _____ day of _____, one thousand eight hundred and fifty-nine, as drafted on _____ the _____ day of _____, one thousand eight hundred and fifty-eight, at the Office of the Clerk of the Peace in Toronto, by A. B., Esquire, Sheriff, in the presence of K. L. and M. N., Esquires, Justices of the Peace for the said County, pursuant to the directions of the Act of Parliament of (3)

No. of Panel.	NAMES.	No. of Lot or House, as in Jury List.	Concession or Street, or Unincorporated Village or Hamlet, as in Jury List.	Township, Village or Ward.	Additions.	No. on List.	Remarks.
1	Arthur Thomas.....	3	2 From Bay,	York	Yeoman	1	
2	Bolland George..... (&c. to)	5	12	Brock	Gentleman	2	
24	Yates Edward.....	1	5	Brock	Yeoman	144	

Witness our hands, the day and year last above written.

A. B. Sheriff.

K. L. J. P.

M. N. J. P.

(b) No. 2. (5) &c.

4.—ROLL OF GRAND JURORS

To serve in Her Majesty's Inferior Courts (2) of Criminal Jurisdiction. (4)

No. on Roll.	NAMES.	No. of Lot or House as in Report of Selectors.	Concession or Street, or Unincorporated Village or Hamlet, as in Report of Selectors.	Additions.	No. on List.	Remarks.
	1 ALBION, (Township)					
1	Acland White.....	16	2	Esquire,		Exempted, having served on G. J. List, S. C. 1850.
2	Adams William ...	9	4	Gentleman,		
3	Eswald David.....	11	7	Merchant,		
4	Hamilton Peter.....	4	6	Yeoman,		
	(&c., to, say)					
20	Large George.....	7	8	Tailor,	3	
	2 BROCK, (Township)					
21	Ash Simon.....	21	7	Yeoman,		2
22	Borland George....	5	12	Gentleman,		
	(&c., to, say)					
31	Wilkins James.....	13	4	Esquire,		
32	Waters Edward....	1	5	Yeoman,	144	
	3 OSHAWA, (Village)					
	4 ST. JAMES WARD, (City of Toronto) [&c., to, say]					
	26 YORK, (Township)					
503	Astor Thomas.....	3	2 From Bay,	Yeoman,	1	
504	Peel Peter.....	14	1 E. Yonge St.	Yeoman,		

These are to certify that I have carefully compared the above Grand Jurors' Roll with the Reports made by the several Selectors of Jurors for the different Townships, Villages and Wards in the County of York, including the City of Toronto, as embraced within the same for certain judicial purposes for the year one thousand eight hundred and fifty-eight, as such Reports remained with me as Clerk of the Peace on the Fifteenth day of September in that year, and that such Grand Jurors' Roll contains a true and correct transcript of the names, descriptions and additions of all persons so selected and reported as competent, qualified and liable to serve as Grand Jurors in Her Majesty's Inferior Courts of Criminal Jurisdiction for such County.

Witness my hand, this _____ day of _____, one thousand eight hundred and fifty-

E. F. Clerk of the Peace.

5.—THE GRAND JURY LIST

For the Inferior Courts, (2) as selected in open Court at a General Quarter Sessions of the Peace for the County, on the day of 18 , being the first day of the first General Quarter Sessions of the Peace for the County held next after the First day of October in that year, by C. D., Chairman of the said Court, and other Selectors, pursuant to the directions of the Act of Parliament (3)

No. on List.	NAMES.	No. of Lot or House, as in Jurors' Roll.	Concession or Street, or Unincorporated Village or Hamlet, as in Jurors' Rcll.	Township, Village or Ward.	Additions.	No. on Roll.	No. on Panel.	Remarks.
1	Astor Thomas...	3	2 From Bay.	York	Yeoman,	503	1	Served accordingly.
2	Borland George.	5	12	Brock	Gentleman,	22	1	Omitted to attend altogether.
3	Large George... (&c. to)	7	8	Albion	Tailor,	20		
144	Waters Edward.	1	5	Brock	Yeoman,	32	1	Served accordingly.

These are to certify that on the day of instant, being the first day of the first General Quarter Sessions of the Peace for the County of York next after the First day of October in this year (6), the foregoing Grand Jury List for the Inferior Courts for this County, for the year one thousand eight hundred and , was in open Court duly selected, canvassed and transferred from the Roll of Grand Jurors to serve in Her Majesty's Inferior Courts of Criminal Jurisdiction for the same year, pursuant to the directions of the Act of Parliament (3)

Witness our hands, this day of , one thousand eight hundred and fifty-

C. D. Chairman.
E. F. Clerk of the Peace.

6.—GRAND JURY PANELS FOR THE INFERIOR COURTS. (2)

(a) No. 1.

Panel of Grand Jurors returned upon a precept from S. B. H., and K. L. M., Esquires, two of Her Majesty's Justices of the Peace in and for the County of York, tested the day of 185 , for the return of twenty-four of such Jurors for the General Quarter Sessions of the Peace to be held for this County on the day of , one thousand eight hundred and fifty-nine, as drafted on the day of , one thousand eight hundred and fifty-eight, at the Office of the Clerk of the Peace in Toronto, by A. B., Esquire, Sheriff,

Sheriff, in the presence of K. L., and M. N., Esquires, Justices of the Peace for the said County, pursuant to the directions of the Act of Parliament of (3)

No. on Panel.	NAMES.	No. of Lot or House, as in Jury List.	Concession or Street, or Unincorporated Village or Hamlet, as in Jury List.	Township, Village or Ward.	Additions.	No. on List.	Remarks.
1	Astor Thomas...	3	2 From Bay.	York	Yeoman,	1	
2	Borland George... (&c., 10)	5	12	Brock	Gentleman,	2	
24	Waters Edward.	1	5	Brock	Yeoman,	144	

Witness our hands, the day and year last above written.

A. B. Sheriff.

K. L. J. P.

M. N. J. P.

(b) No. 2. (5) &c.

7.—ROLL OF PETIT JURORS

To serve in Her Majesty's Superior Courts (2) of Criminal and Civil Jurisdiction. (4)

No. on Roll.	NAMES.	No. of Lot or House, as in Report of Selectors.	Concession or Street, or Unincorporated Village or Hamlet, as in Report of Selectors.	Additions.	No. on List.	Remarks.
	1 ALBION. (Township.)					
1	Parley Peter.....	16	2	Esquire,		
2	Alley Simon.....	21	7	Yeoman,	2	
3	Aikins William....	25	3	Yeoman,	3	
4	Ashford Thomas....	19	5	Yeoman,	1	
5	Adams George.....	5	5	Gentleman,	3	
6	Worth David.....	11	7	Merchant,	5	
7	Barclay John.....	9	2	Shoemaker,	4	
8	Cameron William..	4	6	Yeoman,		Excepted,
9	Daniels George....	22	11	Yeoman,	6	having
10	Small William....	7	8	Tailor,	7	served on
	(&c., to say)					P. J. List
1060	Yarold George....	14	9	Baker,	258	S. C. 1858,
	2. BROCK. (Township.) &c.					

These are to certify that I have carefully compared the above Petit Jurors' Roll with the Reports made by the several Selectors of Jurors for the different

different Townships, Villages and Wards in the County of York including the City of Toronto, as embraced within the same for certain judicial purposes, for the year one thousand eight hundred and , as such Reports remain with me as Clerk of the Peace on the fifteenth day of September of that year, and that such Petit Jurors' Roll contains a true and correct transcript of the names, description and additions of all persons so selected and reported as competent, qualified and liable to serve as Petit Jurors in Her Majesty's Superior Courts of Criminal and Civil Jurisdiction for such County.

Witness my hand, this day of , 1850.

E. F. Clerk of the Peace.

S.—THE PETIT JURY LIST

For the Superior Courts, (2) as selected in open Court at a General Quarter Sessions of the Peace for the County, on the day of , 18 , being the first day of the first General Quarter Sessions of the Peace for the County held next after the first day of October in that year, by C. D., Chairman of the said Court, and E. F. the Clerk of the Peace, pursuant to the directions of the Act of Parliament of (3)

No. on List.	NAMES	No. of Lot or House, as in Jurors' Roll.	Concession or Street, or Unincorporated Village or Hamlet, as in Jurors' Roll.	Residence.	Additions.	No. on Roll.	No. of Panel.	Remarks.
1	Adams George..	5	5	Albion	Gentleman	5		
2	Alley Simon....	21	7	Albion	Yeoman	2	1	Served accordingly.
3	Ashford Thomas.	2	19	Albion	Yeoman	4		
4	Barclay John...	19	8	Albion	Shoemaker	7		
5	Worth David....	9	5	Albion	Merchant	6		
6	Daniel George..	11	16	Albion	Yeoman	9		
	(&c. to)							
188	Yarrold George..	14	9	Albion	Baker	1060	1	Attended, but made default.

These are to certify that on , the day of instant, being the first day of the first General Quarter Sessions of the Peace for the County of York next after the first day of October in this year, (6) the foregoing Petit Jury List for the Superior Courts for this County for the year 18 , was in open Court duly selected, canvassed and transferred from the Roll of Petit Jurors to serve in Her Majesty's Superior Courts of Criminal and Civil Jurisdiction for the same year, pursuant to the directions of the Act of Parliament of (3)

Witness our hands, this day of , 1850.

C. D. Chairman.

E. F. Clerk of the Peace.

9.—PETIT JURY PANELS

FOR THE SUPERIOR COURTS (2)

(a) No. 1.

Panel of Petit Jurors returned upon a precept from the Honorable G. H., the Honorable J. J. (&c.) Her Majesty's Justices, in that behalf tested the day of , one thousand eight hundred , for the return of forty-eight of such Jurors for the Sessions of Assize and *Nisi Prius*, *Oyer* and *Terminer*, and Gaol Delivery, to be held for this County, on the day of , one thousand eight hundred and fifty-one, as drafted on the day of , one thousand eight hundred and fifty-one, at the Office of the Clerk of the Peace in Toronto, by A. B. Esquire, Sheriff, in the presence of K. L. and M. N. Esquires, Justices of the Peace for the said County, pursuant to the directions of the Act of Parliament of (3)

No. on Panel.	NAMES.	No. of Lot or House, as in Jurors' List.	Concession or Street, or Unincorporated Village or Hamlet, as in Jury List.	Township, Village or Ward.	Additions.	No. on List.	Remarks.
1	Alley Simon.....	21	7	Albion	Yeoman	2	
48	(&c. to) Yarrold George...	14	9	Albion	Baker	288	

Witness our hands, the day and year last above written.

A. B. Sheriff.
K. L. J. P.
M. N. J. P.

(b) No. 2, (5) &c.

10.—ROLL OF PETIT JURORS

To serve in Her Majesty's Inferior Courts (2) of Criminal and Civil Jurisdiction, (4)

No. on Roll.	NAMES.	No. of Lot or House, as in Report of Selectors.	Concession or street, or Unincorporated Village or Hamlet as in Report of Selectors.	Additions.	No. on List.	Remarks.
	1 ALBION. (Township.)					
1	Alford Peter...	16	2	Esquire		
2	Adams Simon..	21	7	Yeoman	2	
3	Addis William.	25	3	Yeoman		
4	Ashton Thomas.	19	5	Yeoman	3	
5	Aylwin William	5	5	Gentleman	1	
6	Brooks David..	11	7	Merchant	5	
7	Burley John...	9	2	Shoemaker	4	
8	Catty Peter...	4	6	Yeoman		
9	Davis George...	22	11	Yeoman	6	} Exempt, having served on P. J. List, S.C. 1850.
10	Gule George... &c. (to, say)	7	8	Tailor	7	
1060	Yold George...	14	9	Baker.	288	
	2 BROCK. (Township.)					
	&c.					

These are to certify that I have carefully compared the above Petit Jurors' Roll with the Reports made by the several Selectors of Jurors for the different Townships, Villages and Wards in the County of York, including the City of Toronto, as embraced within the same for certain judicial purposes, for the year one thousand eight hundred and , as such Reports remained with me as Clerk of the Peace, on the fifteenth day of September in that year, and that such Petit Jurors' Roll contains a true and correct transcript of the names, descriptions and additions of all persons so selected and reported as competent, qualified and liable to serve as Petit Jurors in Her Majesty's Inferior Courts of Criminal and Civil Jurisdiction for such County.

Witness my hand, this

day of , 18

E. F., Clerk of the Peace.

11.—THE PETIT JURY LIST

For the Inferior Courts, (2) as selected in open Court at a General Quarter Sessions of the Peace for the County, on the day of , one thousand eight hundred and , being the first day of the first General Quarter Sessions of the Peace for the County held next after the First day of October in that year, by C. D., Chairman of the said Court, and E. F., Clerk of the Peace, pursuant to the directions of the Act of Parliament of (3)

No. on List.	NAMES.	No. of Lot or House, as in Jurors' Roll.	Concession or street or Unincorporated Village or Hamlet, as in Jurors' Roll.	Residence.	Additions.	No. on Roll.	No. of Panel.	Remarks.
1	Aylwin William	5	5	Albion,	Gentleman,	5		
2	Adams Simon..	21	7	Albion,	Yeoman,	2	1	Served accordingly.
3	Ashton Thomas.	19	5	Albion,	Yeoman,	4		
4	Burley John ..	9	2	Albion,	Shoemaker	7		
5	Brooks David..	11	7	Albion,	Merchant,	6		
6	Davis George..	22	11	Albion,	Yeoman,	9		
288	(&c., to) Yold George...	14	9	Albion,	Baker,	1060	1	

These are to certify that on , the day of instant, being the first day of the first General Quarter Sessions of the Peace for the County of York, next after the First day of October in this year, (6) the foregoing Petit Jury List for the Inferior Courts for this County for the year one thousand eight hundred and , was in open Court duly selected, canvassed and transferred from the Roll of Petit Jurors to serve in Her Majesty's Inferior Courts of Criminal and Civil Jurisdiction for the same year, pursuant to the directions of the Act of Parliament of (3)

Witness our hands, this day of , one thousand eight hundred and

C. D. Chairman.
E. F. Clerk of the Peace.

12.—PETIT JURY PANELS FOR THE INFERIOR COURTS. (2)

(a) No. 1.

Panel of Petit Jurors returned upon a precept from S. B. H., and K. L. and M. N., Esquires, two of Her Majesty's Justices of the Peace in and for the County of York, tested the _____ day of _____, 18____, for the return of forty-eight of such Jurors, for the General Quarter Sessions of the Peace to be held for this County, on _____ the _____ day of _____, 18____, as drafted on _____ the _____ day of _____, 18____, at the Office of the Clerk of the Peace in Toronto, by A. B., Esquire, Sheriff, in the presence of K. L. and M. N., Esquires, Justices of the Peace for the said County, pursuant to the directions of the Act of Parliament of (3)

No. of Panel.	NAMES.	No. of Lot or House, as in Jury List.	Concession or street, or Unincorporated Village or Hamlet, as in Jury List.	Township, Village or Ward.	Additions.	No. on List.	Remarks
1	Adams Simon . . (&c., to)	21	7	Albion,	Yeoman,	2	
48	Yold George . . .	14	9	Albion,	Baker,	288	

Witness our hands, the day and year last above written.

A. B., Sheriff.

K. L., J. P.

M. N., J. P.

(b) No. 2.

Panel of Special Jurors returned upon a Writ of *venire facias juratores*, out of the Court of Queen's Bench, in the case of N. O. Plaintiff, against P. Q. Defendant, tested (&c.) and returnable (&c.) as struck at the Office of the Clerk of the Peace in Toronto, on _____, the day of _____, 18____, by A. B. Esquire, Sheriff in the presence of R. S., Attorney for the Plaintiff, and T. A., Agent for the Attorney of the Defendant, (or in the presence of R. S., Attorney for the Plaintiff, the Defendant's Attorney, though served with the appointment, not appearing) pursuant to the directions of the Act of Parliament of (3)

No. on Panel.	NAMES.	No. of Lot or House, as in Jury List.	Concession or Street, or Unincorporated Village or Hamlet, as in the Jury List.	Township, Village or Ward.	Additions.	No. on Grand Jurors' Rolls.	Remarks
1	Abbott William.	11	9	Albion,	Gentleman,	I. C. 31	From G. J. Roll for S. C. for year 1850. No. 10. the G. J. Roll for this year being exhausted.
2	Wilkins James. (&c. to)	13	4	Brock,	Esquire,		
16	Young David..	7	8	Albion,	Tailor,	S. C. 20	

Witness my hand, the day and year last above written.

A. B., Sheriff.

(c) No. 3. (5) &c.

NOTES TO SCHEDULE A.

- (1) Here insert the year and Chapter of this Act.
- (2) Or as the case may be.

NOTES TO SCHEDULE B.

- (1) This Title to be placed at the head of each page or folio throughout the Book.
- (2) So much of this Sub-Title as ends with this word, to be placed at the head of each page or folio of the Book appropriated to this class of entries.
- (3) Here insert the year and Chapter of this Act.
- (4) This Roll to be commenced on a new page or folio after leaving a sufficient number of leaves for the Jury List to be selected from the preceding Roll and the probable number of Panels that may be drafted from such List in the course of the year.
- (5) The subsequent Panels following immediately may be commenced on the same page or folio on which the preceding one is closed.
- (6) Or, if at a Special Sessions held under the authority of the fifty-sixth section of this Act, say, "Of a Special General Sessions of the Peace for the County of York, held "for that purpose under the warrant of His Excellency the Governor General," (or Lieutenant Governor, as the case may be,) the foregoing Grand or Petit Jury List, &c., was in open Court, &c.

SCHEDULE

SCHEDULE C.

PAY LIST for Petit Jurors who have attended "the Assize" or "County Court and Quarter Sessions" (as the case may be) held for the County of _____, begun on the _____ day of _____, 18____, and ended on the _____ day of _____, 18____.

Name of Jurors.	Number of miles travelled in coming to Court.	Check of Attendance.									Amount to be paid to Juror.				Juror's signature acknowledging receipt of money.
		1st day.	2nd day.	3rd day.	4th day.	5th day.	6th day.	7th day.	8th day.	£	s.	d.			
John Just.....	21	present	present	present	present	absent	present	present	present						
Charles Careless—															

I, _____, Sheriff of the County of _____, do hereby certify to the Treasurer of the said County, that the above is, to the best of my knowledge, a correct return of the number of miles travelled by each Juror in coming to the said Court, a true check of the number of days of every such Juror attended the Court, and the just sum to which every Juror on the above list is entitled.

A. B., Sheriff.

C A P. C I.

An Act to amend the Lower Canada Municipal and Road Act of 1855.

[Sanctioned 16th August, 1858.]

WHEREAS it is desirable further to amend the Lower Canada Municipal and Road Act of 1855: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. So much of the seventeenth section of the Lower Canada Municipal and Road Act of 1855, as declares the Clerks of any Court of Justice ineligible to the office of Municipal Councillor, is hereby repealed, in so far only as it relates to the Clerks of Commissioners' Courts for the trial of Small Causes; and it is hereby declared that the Clerks of Commissioners' Courts for the trial of Small Causes, were and shall be hereafter eligible to the said office of Municipal Councillor, any law or usage to the contrary notwithstanding. Clerks of Commissioners' Courts may be Municipal Councillors, notwithstanding sect. 17 of 18 V. c. 100.

2. Clerks of the said Commissioners' Courts who have been elected Municipal Councillors before this Act shall come into force, are hereby declared to have been legally elected for all purposes whatsoever, under the provisions of the said Act, and the subsequent Acts amending the same. Past elections of such Clerks declared valid.

3. Hereafter the twenty-sixth section of the said Act shall be interpreted as though the words "or shall be otherwise liable to assessment under this Act" had not been inserted between the words "five pounds currency" and the words "nor unless." Sect. 26 of Act of 18 V. c. 100 amended.

4. Any person appointed by the Warden of a County, under the twenty-seventh section of the Act cited in the preamble of this Act, to preside at a public meeting of the inhabitants of any local Municipality, who shall refuse or neglect to be present at such meeting, or to preside thereat, or to do any act or thing required by law to be done by him in consequence of such appointment, or who shall be guilty of any misfeasance, malfeasance or nonfeasance, in the official capacity conferred on him by such appointment, shall, on conviction thereof before a competent tribunal, forfeit and pay a sum of eighty dollars. Penalties in case of failure on the part of the Wardens in performance of certain duties under sect. 27 of the said Act.

5. Any Warden of a County who shall refuse or neglect to give the notice of the public meeting of the inhabitants of any local Municipality in such County, required to be given by him under the said twenty-seventh section of the said Act, shall, on conviction thereof before a competent tribunal, forfeit and pay a sum of eighty dollars. Penalty on Warden of a County failing to notify a meeting under sect. 27 of the said Act.

When meeting shall be held. **6.** Such meeting shall hereafter be held in each local Municipality, on the second Monday in January in every second year, beginning with the year one thousand eight hundred and sixty; Provided always that as regards local Municipalities, in which a Village Municipality is situate, the meeting of the local Municipality may be held within the limits of the Village Municipality.

Proviso.

Paragraph 8 of sect. 35, Act of 1855, amended.

7. It shall be the duty of any Court or Judge adjudging and declaring the election of any Councillor or Councillors to be void, in and by the judgment in that behalf, to name the day, not being sooner than ten days nor later than twenty days from the date thereof, for which a public meeting of the inhabitants of the local Municipality shall be called under the eighth sub-section of the thirty-fifth section of the said Act.

Auditors to be appointed.

8. Every Council, at its first meeting, after being duly organized, shall appoint one or two Auditors, who shall examine and report annually upon all accounts affecting the Corporation or relating to any matter or thing under its control or within its jurisdiction.

Sect. 45 of said Act amended.

What shall be understood to be the front of a lot.

9. The forty-fifth section of the said Act is amended so as to provide that the front of any lot shall be that designated or intended as such in the original title, or which appears to be such front by the roads laid down on the original plan, if the lot is in a Township, although the owner of the lot may have placed his dwelling-house on some other part of the lot, and even although the concession line should form the boundary between two Municipalities or Parishes.

Paragraph 5 of sect. 49 amended.

Who to preside at meetings of delegates.

10. So much of the fifth sub-section of the forty-ninth section of the said Act, as provides that whenever an equal division of the votes of the delegates present at any meeting shall occur on any question submitted to them, the County Superintendent who shall have called the meeting, shall have the casting vote, is hereby repealed and the following substituted: "at the meeting of the delegates some disinterested person from among such delegates previously appointed by the County Council for that purpose, shall preside."

Provision in case of disagreement between parishes or townships.

11. Whenever two parishes jointly interested in the opening of a new road, the maintenance or improvement of an old road, or the making or maintenance of fences or ditches, cannot agree together as to the division of the work to be done, the matter shall be referred to the council of the county in which such two parishes are situate, which shall, by By-law, regulate all matters of difference relative to the opening or maintenance or improvement of such road, or the making or improvement of such fences and ditches, and shall order and prescribe the work to be done and the portion to be done by each parish; and these powers shall belong to such county council,

council, in addition to those conferred by sections fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two and sixty-three, of the said Act.

12. The fifty-first section of the said Act shall be hereafter interpreted as though the following sub-section were added after the third sub-section of the said section: "The Municipality shall also be bound to make or cause to be made under the superintendence of the Inspectors, *sous-voyers*, or any other officer they may think proper to appoint, by any persons obliged by *procès-verbaux*, By-laws or otherwise, any other road in the Municipality whether it be a front road or a by-road or a street or any other road whatsoever in the Municipality, in conformity with the *procès-verbaux* or By-laws, relating to such roads and with the law, and shall be subject to be proceeded against by any person whatsoever of the age of twenty-one years, if the said roads are not made and kept in repair as aforesaid, for all damages and fines, as provided in the fourth sub-section of the said section, as though the municipality had assumed by By-law the charge of all the roads therein, saving however the recourse of such municipality against its officers or any other person having charge of such roads, in case of negligence, for the reimbursement to them of all damages, fines and costs incurred."

Section 55 of 18 V. c. 100 amended.

Liability of the Municipality if the Roads are not properly made and kept in repair.

Saving its recourse against its officers.

13. The following words shall be added after the word "year" in the sixth line of the ninth sub-section of the seventy-fourth section of the Lower Canada Municipal and Road Act of 1855, "or at such other time as may be fixed by a resolution passed by the said Council to that effect."

Paragraph 9 of sect. 74 of 18 V. c. 100 amended.

14. 1. In any case where the valuation-roll of any locality has not been delivered to the Mayor of the Municipality, as required by the third sub-section of the sixty-fifth section of the said Act, it shall be lawful for any person having the custody of such valuation-roll, to deliver up the same within three months after the passing of this Act, and such delivery shall be as valid as if made within the time prescribed by the said section;

Paragraph 3 of sect. 65 of 1855 amended.

Delivery of Valuation-Roll to the Mayor.

2. The Council of the local Municipality may amend the said valuation-roll, as if the time when it is so delivered were that prescribed by the said sub-section;

Local Council may amend the Roll.

3. The Secretary-Treasurer of the local Municipality shall be bound to give notice of the delivery of such valuation-roll, as provided by the third sub-section of the sixty-eighth section of the Act amended by this Act;

Secretary-Treasurer to give notice under par. 3 of sect 68 of the said Act.

4. The said Secretary-Treasurer of the said Local Municipality may then make out the general collection-roll, basing

Secretary-Treasurer to

make out the general collection-roll, &c.

it upon such valuation-roll, as he would if it had been made at the time prescribed by the said Act, and observing the same formalities.

Sects. 68 and 69 of said Act amended.

15. Every Local Municipal Council shall have the right to amend or make the valuation-roll yearly or in any year, any thing in the sixty-eighth and sixty-ninth sections of the said Act to the contrary notwithstanding.

Local Councils may oblige all Traders to take and pay for a License.

16. Local Councils may compel all traders, whether wholesale or retail, other than tavern-keepers and retailers of intoxicating liquors, to take out and to pay such council for a license to keep a shop or store, and may regulate the amount to be paid for such license; such amount not to exceed twenty dollars.

Preventing fast driving and gambling.

17. In addition to the powers common to Local Councils, each Local Council shall be empowered to make By-laws to prevent parties from driving or riding faster than an ordinary trot, in the streets, or public places comprised within a radius of one mile from the principal church in the Local Municipality, and for preventing gambling and the keeping of gambling houses in the Municipality.

Punishment of persons resisting officers of a Municipal Council, &c.

18. Every person who shall refuse permission to enter his house to any officer authorized by the Council of any Municipality to seize and sell the goods and chattels of such person, shall be guilty of *rebellion à justice*, and shall be punished therefor by the Mayor or Justice of the Peace who shall have signed the warrant, by imprisonment for any period not exceeding one calendar month, and such Mayor or Justice of the Peace may moreover give an order to cause the doors to be opened, entrance through which has been refused, and the officer charged with such order shall, in virtue thereof be authorized to cause any such doors to be opened in the presence of one or more witnesses, and for that purpose to avail himself of the assistance of such workmen or others as he may deem advisable, at the cost of the parties who shall have refused such entrance, which said costs, the said officer shall levy in virtue of the same warrant.

Notice of special meetings of a Local Council.

19. The Secretary-Treasurer of every local council, shall give or cause to be given public notice orally at the door of the parish church, or if there be no such church, then in the most public place within the municipality, of any special meetings of the said council, setting forth in such notice the object of such meeting; Provided always that such special meetings, as well as those appointed by law, shall, as far as possible, be held in the vicinity of such parish church, or the most public and frequented place if there be no such church; and the office of the Secretary-Treasurer shall be established in the place where such meetings shall be held.

Proviso.

APPEALS.

20. 1. Any person who shall deem himself aggrieved by any judgment rendered in virtue of the Lower Canada Municipal and Road Act of 1855, or of the subsequent Acts amending the same, (unless such judgment shall have been rendered in the first instance by the Circuit Court), may appeal therefrom to the Circuit Court sitting at one of the places adjacent to that at which such judgment shall have been rendered, and such appeal shall be made in the following manner :

To what Court appeals may be made.

2. Within ten juridical days after the judgment shall have been rendered, the appellant shall give a good and sufficient security, by a surety who shall justify his sufficiency to the satisfaction of the Clerk of the Circuit Court at the place at which the appeal is to be heard, that the appellant will effectively prosecute the said appeal and will satisfy the judgment and pay the damages and costs which may be adjudged by the Circuit Court, if the judgment appealed from be confirmed ; and the said clerk is authorized to administer to any person who shall in such case present himself as surety, the oaths required in similar cases, and to put such questions as may be necessary to satisfy himself of his sufficiency ; Provided that the said surety shall justify his sufficiency to the amount of at least one hundred dollars ;

Security in appeal.

Clerk may put oath to surety.

Proviso : surety to justify.

3. The said clerk shall deliver to any person who shall apply therefor a copy of the said security, and such copy, certified by the clerk to be a true copy, shall be deemed authentic ;

Copies of security bond.

4. If such security be furnished as above mentioned within the delay prescribed, execution of the judgment shall be suspended until the appeal shall have been decided ; in default thereof the judgment rendered shall be carried into effect ;

Suspension of execution.

5. The appeal shall be commenced by a petition in which it shall not be necessary to set out all the facts and proceedings in the cause, but it shall be sufficient, after stating the title of the cause, the date of the judgment, and that the security required by law has been duly furnished, to state therein in a summary manner, as though the proceedings in the cause had already been before the Court in which the appeal is to be heard, and in the ordinary form of pleadings or complaints in appeal, the motives or reasons of the appeal, with conclusions analogous thereto, and praying that the judgment appealed from be set aside, and that such judgment be rendered as the Court or Judge below ought to have rendered ;

How appeal shall be commenced.

6. A copy of the said petition, certified by the appellant or his attorney, and a copy of the security in appeal, certified by the clerk who shall have received the same, shall be served upon the respondent or his attorney within twenty juridical days.

Copies of petition and security to be served on the respondent.

days after the rendering of the judgment, together with a notice of the day on which the said petition will be presented to the Circuit Court, and the said petition shall be presented to the Circuit Court (in term) on the first juridical day of the said Court immediately following the expiration of the twenty juridical days after the judgment shall have been rendered ;

Papers to be filed by appellant.

7. The appellant shall file with his petition a certified copy of the security given by him, and also the notice of appeal, together with the return of a bailiff, setting forth the necessary services, and thereupon the appeal shall be heard, and decided in a summary manner ;

Transmission of record from Court below.

8. After a copy of the security so given shall have been served upon the Judge, or one of the Judges, or upon the Clerk to the Judge or Judges, or of the Court, who shall have rendered or pronounced the judgment or conviction, it shall be the duty of the said Judge or Judges, before the day fixed for the presenting of the petition in appeal, to transmit the record to the Clerk of the Circuit Court, with a certificate signed and sealed certifying that the documents transmitted are all the papers, documents and evidence relating to the cause : The above service is to be made within fifteen days after the day on which the judgment has been rendered ;

Variance or informality not grounds for setting aside judgment.

9. In such appeals, no new evidence shall be adduced, and no judgment shall be set aside by reason of any trifling variance or informality, but only when any real injustice shall have been committed ; and when objections shall be raised which do not affect the merits of the cause, the Circuit Court may, if necessary, order the Clerk of the Court to make any amendment to the procedure, which, as amended, shall be executed as though it had been regular in the first instance ;

Costs of appeal, how awarded and levied.

10. The Circuit Court shall have power to adjudge the costs on such appeal, and if the judgment appealed from be fully confirmed, it may order that the record be transmitted to the Judge or Judges, or Court who shall have pronounced the judgment or conviction, and such transmission shall be effected by the Clerk of the Circuit Court who shall annex to the record a copy of the judgment of the said Court and a certificate of the costs allowed on the said appeal, and the said costs shall be levied by the same means, and in the same manner in which the judgment of the Judge or Judges below, or of the Court below, is carried into effect according to law : But if, on the other hand, the said judgment be modified or set aside, in whole or in part, the record and procedure on the judgment appealed from, and any procedure upon the appeal, shall remain to form part of the records of the Circuit Court, by which and under the authority of which, whatever shall have been adjudged, ordered, confirmed, modified or amended by the judgment

Provision if the judgment be modified or set aside.

of the said Court shall be carried into effect, and that by the same means and in the same manner as the judgment appealed from would itself have been carried into effect ;

11. Any appellant who shall neglect to cause a copy of the said petition to be served as aforesaid, or who, having caused it to be served, shall fail effectually to prosecute the said appeal, shall be deemed to have abandoned the said appeal, and upon application of the respondent, the Circuit Court shall declare forfeited all the rights and claims founded on the said appeal, and shall allow costs to the respondent, and shall order that the record, (if it has been transmitted,) be sent back to the Court or Judge below ; and if the record has not been transmitted, then, upon production of the copy of the petition served upon the respondent, the said respondent shall obtain such costs as the court may adjudge ;

Provision in case of failure to prosecute appeal.

12. The execution of the judgment against the party condemned shall not deprive the party who shall have succeeded, of his recourse against the sureties for the whole or any part of the costs of the appeal remaining unpaid, to the payment of which every surety shall be bound, under the penalty of seizure and execution, in the same manner and to the same degree as the principal party ;

Recourse against sureties.

13. Any person who shall deem himself aggrieved by any judgment rendered in virtue of the Agricultural Act (unless such judgment shall have been rendered by the Circuit Court in the first instance) may appeal therefrom to the Circuit Court sitting at any one of the places nearest to that at which the judgment shall have been rendered, and such appeal shall be made in the manner and form and within the delays and subject to the conditions hereinbefore prescribed for appeals from judgments rendered in virtue of the Lower Canada Municipal and Road Act of 1855, and the Acts amending the same ;

Appeals from judgments under Agricultural Act.

14. During the two months next after the day on which this Act shall go into force, any judgment rendered in virtue of this Act or of any of the Acts cited in this Act, may be appealed from at any time before the day on which this Act shall go into force, or before the first day of the month of October, one thousand eight hundred and fifty-eight ;

Delay for appealing after this Act shall come into force ;

15. The appellant in such case shall furnish the security required at any time during the said two months, and the delay prescribed in ordinary cases for any proceeding subsequent to the giving of such security shall be computed from the day inclusive following the expiration of the said two months ;

And for providing security.

No *Certiorari* to be issued in cases appealable under said Acts.

16. No judgment rendered in virtue of this Act, and of the Acts before cited in the thirteenth sub-section of this section, shall be set aside by any other means than the appeal above prescribed, and no writ of *certiorari* shall be issued and no judgment set aside upon a writ of *certiorari* ;

Par. 2 of s. 14 of L. C. Municipal Act of 1857, and s. 41 of Agricultural Act, repealed.

17. The second sub-section of the fourteenth section of the Lower Canada Municipal and Road Amendment Act of 1857, and the forty-first section of the Agricultural Act, and the nine sub-sections in the said last section contained, are hereby repealed.

Mayors not to sit in County Council in appeals in which they are personally interested.

21. It shall not be lawful for any Mayor of a local Municipality to sit or vote at any special session of the County Council for hearing or deciding upon any petition of appeal praying for the revision or amendment of any valuation-roll or *procès-verbal*, or for the amendment or disallowance of any By-law in the matter of which he has any direct personal interest ; and the said County Council shall decide whether such Mayor has or has not such direct personal interest ; but such Mayor shall not have a right to vote on the question of his having or not having such interest.

Councils may not order the demolition of dams.

22. Notwithstanding any thing in the Act hereby amended or in the Agricultural Act contained, it shall not be lawful for nor in the power of any Council to direct the demolition of any mill-dam, on the ground that the same is an obstruction to a water-course, but the right to erect any dam and the rights and liabilities of all parties in respect thereof, whether for damage or otherwise, shall be adjudicated on and determined according to the ordinary rules of law.

Town or Village Councils may require work to be done on roads, &c., by persons out of their limits in certain cases.

23. Notwithstanding any thing contained in the first sub-section of the twenty-third section of The Lower Canada Municipal and Road Act of 1855, as amended by the third sub-section of the eleventh section of The Lower Canada Municipal and Road Amendment Act 1856, any Town or Village Council may levy an assessment from persons residing or holding assessable property outside of the limits of such Town or Village, or require from any such person the performance of labor, towards the construction or maintenance of any bridge or bridges, within the limits of such Town or Village, in accordance with any *procès-verbal* or By-law, relative to the construction and maintenance of any such bridge or bridges, in force before the passing of The Lower Canada Municipal and Road Act of 1855, or before the incorporation of any such town or village subsequently to the passing of that Act.

Municipal Loan Fund of Lower Canada to what purpose appropriated.

24. The Building of a Town Hall by a Local or County Municipality shall be one of the works or objects for the construction of which the Municipal Loan Fund for Lower Canada shall or may be applied, appropriated and obtained.

LOCAL PROVISIONS.

25. The Municipal Council of the County of St. John may, at a special session to be held for that purpose, not later than the first day of November next, examine the valuation-rolls of the different local Municipalities in that County, and ascertain whether the valuation made in each of them bears a just relation to the valuation made in the others; and thereupon the Council of the said County may increase or decrease the valuations of all assessable property in any one or more of such local Municipalities by adding or deducting such sums upon the hundred as may in their opinion be necessary to produce a just relation between all the valuations in the County.

Special power to the Council of St. John's County, touching Valuation-Rolls.

26. Upon, from and after the first day of October, one thousand eight hundred and fifty-eight, the parish of l'Islet shall cease to be the *Chef-lieu* of the county of l'Islet, and hereafter the sittings of the Municipal Council of the said county of l'Islet shall be held in the parish of St. Jean Port Joli, in the said county, and the said last parish shall hereafter be the *Chef-lieu* of the said county for Municipal and Registration purposes.

St. Jean Port Joli made the *chef-lieu* of l'Islet.

27. The extent of land designated in a Proclamation inserted in the number of the *Canada Gazette*, published by authority, bearing date the twenty-second day of May, one thousand eight hundred and fifty-eight, to form a separate Municipality from and after the first day of January next, under the name of the Corporation of the Village of Marieville, shall be detached from the Municipality of the parish of Ste. Marie de Monnoir, and shall form a distinct and separate Municipality under the name aforesaid, from and after the passing of this Act; and the election of Municipal Councillors for the said Corporation of the Village of Marieville shall take place in the manner prescribed by law, on the first Monday of the month of September next.

Village of Marieville constituted and incorporated.

28. The township of Westbury, in the county of Compton, shall be disunited for Local Municipal purposes from the township of Ascot, and shall, from and after the passing of this Act, form a separate Local Municipality, and the first election for the choice of Municipal Councillors for the said separate Municipality may be held on the second Monday of October next, or on any subsequent day within the year.

Township of Westbury to be a Municipality distinct from Compton.

29. And whereas the Local Councils of certain territories erected into townships and also into parishes, and which, under the third sub-section of the thirty-third section of the Lower Canada Municipal and Road Act of 1855, respectively form Municipalities by the name of the Corporation of such township, have by error passed divers By-laws under the name of the

By-laws not to be vitiated by certain errors in designating the Municipality.

the Corporation of such parish, it is hereby declared and enacted that no By-law heretofore passed by any such Local Council shall be held to be null by reason of such erroneous designation therein assumed, but on the contrary every such By-law shall be judged of in respect of its validity, and shall be interpreted and acted on in all other respects, as though it had been passed in the name of such township and not of such parish.

Township and Village of St. Jean, in the County of Chicoutimi, constituted.

30. And with regard to the township and village of St. John, in the county of Chicoutimi, Be it enacted :

Corporate name.

1. From and after the first day of January, one thousand eight hundred and fifty-nine, the Township and Village of St. Jean, shall, for the purposes of the Lower Canada Municipal and Road Act of 1855, or any amendments since made thereto, be detached from the said County of Chicoutimi, and shall be and form a separate Municipality by the name of "The Corporation of the Township of Saint Jean ;"

How the Municipal Council thereof shall be constituted.

2. The Council of the said Municipality shall consist of seven members, elected in the manner prescribed in the said Act with respect to the members of local Councils, by the inhabitants of the Municipality, owners or occupants of real property therein, and shall be subject to the provisions of the said Act with respect to local Councils, except where it is herein otherwise provided, and the said Council and Municipality shall be presided over by an officer elected as the Mayors of local Municipalities are under the said Act, but who shall have the title of Warden, with such of the powers of a Warden as may be consistent with this Act ; And the said Municipality and Council shall have all the powers of a local Municipality and Council under the said Act, and also the powers of a County Municipality and Council under the same, except those which relate to the construction of a Court House and Gaol, or of a Registry Office, and also such as may be inconsistent with its original jurisdiction as a local Council ; And the elections of Councillors, and the sittings of the said Council, shall be held at the Village of St. Jean, which shall be the *Chef-lieu* of the Municipality : and all appeals and revisions, which, under the said Municipal Acts, would otherwise be made to or by the County Municipality, shall be made to and by the Circuit Court at Chicoutimi, and the said Court is hereby specially empowered to take cognizance of the matters aforesaid, and to give its decision in the same manner as the County Municipal Council might have done, and the Clerk of the said Court shall be substituted for the Clerk of such County Council, notwithstanding any thing in the said Act ; and Commissioners for the summary trial of small causes may be Councillors therein ;

Powers of Council.

Elections.

Appeals and revisions.

May be organized tho' it

3. The said Municipality shall be organized and may exercise all its powers and functions although there may not be three

three hundred souls within its limits; and any owner or occupant of real property in the Municipality, whatever be the value thereof, shall be a Municipal Elector and may be elected a Councillor. has not 300 inhabitants.

31. In addition to, and notwithstanding the second sub-section of the thirty-third section of the said Act, the parish of L'Epiphanie, in the county of L'Assomption, shall form and be a distinct Local Municipality in the said county of L'Assomption for all the municipal purposes of the said Act, and shall be deemed to be and to have been since the passing of the said Act a Local Municipality in the said county of L'Assomption, notwithstanding that a small portion of the said parish of L'Epiphanie is situated in the county of Montcalm. Parish of L'Epiphanie in County of L'Assomption declared a separate Municipality.

32. That part of the parish of St. Arsène, situated in the seigniory of La Rivière-du-Loup du Parc, in the county of Temiscouata, which, by virtue of Canonical and Civil Decree, has been annexed to the parish of St. Modeste, in the township of Whitworth, in the said county, is hereby declared to form and shall form part of the said Municipality of St. Modeste, for all the purposes of the Lower Canada Municipal and Road Act of 1855. Bounds of Municipality of St. Modeste extended.

33. Whereas doubts have arisen as to the legality of a certain Proclamation issued at the Government House, in the city of Montreal, on the third day of June, one thousand eight hundred and forty-seven, and having for object the division of the Township of Stukeley into two separate Municipalities, it is hereby declared and enacted, that the Governor General for the time being had full power and authority to issue the said Proclamation, and that the Municipalities of South Stukeley and North Stukeley, in the County of Shefford, are and have been from the day of the date of the said Proclamation, two separate and distinct Local Municipalities within the limits respectively assigned to them in and by the said Proclamation. And it is also further declared and enacted, that no By-law or Act of either of the said Municipalities, shall be deemed void for or by reason of any doubt which may have arisen as to the legality of the said Proclamation, or for or by reason of the corporate name of the Municipality not having been correctly used in any such By-law or Act. Doubts under Proclamation affecting North and South Stukeley removed.

34. All By-laws made and passed by the Municipal Council of the County of Missisquoi, or by the Council of any local Municipality in the said County, for the acquirement or construction and maintenance of an Office for the Registration of Deeds, either apart from or forming part of any Court House situate within the said County, or for the construction and maintenance therein of a Fire-proof Vault for the preservation of such Deeds, or for providing means for the acquirement or construction and maintenance of such office, or for the transcription Certain By-laws of County Council of Missisquoi confirmed.

transcription of any Deeds which it may have been deemed expedient to transfer to and deposit in such office, for the convenience of the inhabitants of the said County, are hereby declared to have been legal and binding from the days of the dates thereof respectively.

Form of Deed
of Soccage
lands sold by a
Municipality.

35. Any Deed of Sale of land held in Free and Common Soccage by a Secretary-Treasurer in the name of a Municipality, under the sixth sub-section of the seventy-fifth section of the said Act, may be made, sealed and delivered before two witnesses, or made and executed before one Notary and two witnesses, or before two Notaries, and may be in the following form, or in any other form or words to the same effect, that is to say :

Province of Canada, }
County of . }

These are to witness, that in consideration of the sum of _____, paid to the Secretary-Treasurer of the Municipal Council of the County of _____, by _____, being the purchaser at Public Auction of the parcel or tract of land hereinafter mentioned, sold by such Secretary-Treasurer to pay Assessments on the _____ day of _____ in the year of our Lord, one thousand eight hundred and _____, according to the law in that behalf, the said Corporation of the County of _____, doth grant, bargain and sell, confirm and convey unto the said _____, his heirs and assigns for ever, all and singular that parcel or tract of land situate in the _____ of _____, in the said County of _____, (*Insert here a description of the property*) ; To have and to hold the premises hereby sold and conveyed, with their and every of their appurtenances, unto and to the use of the said _____, his heirs and assigns for ever.

In witness whereof, I, _____, Secretary-Treasurer of the Municipal Council of the said County of _____, have hereunto set my hand and affixed the Seal of the said Corporation, this _____ day of _____, in the year of our Lord, one thousand eight hundred and _____

Signed, sealed and delivered }
in the presence of

A. B. }
C. D. }

Secretary-Treasurer.

No more than
two and a half
per cent. on
the assessed
value to be

36. Notwithstanding any thing in the said Act, or in the subsequent Acts amending the same, or any of them, or in this Act, it shall not be lawful for the Council of any Municipality, for the purpose of raising any sum or suns of money for making

making and maintaining the Roads and Bridges therein, to impose, in any one year, on any land in any Township therein, any assessment or assessments exceeding in the whole the rate of two and a half per cent. on the actual value of such land according to the valuation thereof in the valuation-roll then in force in which the same is mentioned and described.

collected as taxes for any cause in any one year on township lands.

CAP. CII.

An Act to amend an error in the Act eighteenth Victoria, chapter one hundred and twelve, relating to the building of Churches in Lower Canada.

[Assented to 16th August, 1858.]

WHEREAS there is an error in the second section of the Act passed in the eighteenth year of Her Majesty's Reign, intituled, *An Act to amend the Acts and Ordinance concerning the civil erection of Parishes, and the building and repairing of Churches, Parsonage Houses and Church-yards* : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

18 V. c. 112.

1. The said second section of the said Act is hereby so amended to be so levied shall not exceed three pounds currency, they shall be levied and payable in equal and quarterly payments, and not otherwise, any law to the contrary notwithstanding ; but when they exceed that sum, they shall be levied in the manner prescribed by the first section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and chaptered one hundred and three ;" and the said section, as hereby amended, shall apply to pending cases or suits for any such sums of money, except only that the defendant in any such case shall remain liable for any costs incurred before the passing of this Act, and for which he would have been liable if it had not been passed.

Sect. 2 of the said Act amended.

How assessments for Churches shall be levied.

As to pending cases.

CAP. CIII.

An Act to consolidate and amend the Game Laws relating to Lower Canada, and to provide against further destruction of the Eggs of Wild Fowl in that part of the Province, and in the Gulf and River St. Lawrence.

[Assented to 16th August, 1858.]

WHEREAS it is expedient to consolidate and amend the legal provisions for the better protecting of certain descriptions of Game in Lower Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

Acts and parts
of Acts repeal-
ed.

1. The Act seventh Victoria, chapter twelve ;
2. The Act eighth Victoria, chapter forty-six ;
3. The Act ninth Victoria, chapter seventy-six ;
4. The first section of the Act twelfth Victoria, chapter sixty (in so far only as the same relates to Lower Canada) ;
5. The sixth section of the Act fourteenth and fifteenth Victoria, chapter one hundred and seven ;
6. The Act sixteenth Victoria, chapter one hundred and seventy-one, and
7. The Act twentieth Victoria, chapter fifty-one, are hereby repealed, except only in so far as provided by the next following section.

Acts repealed
by said Acts
not to revive.

2. No provision of law repealed by any Act cited in the next preceding section shall revive by the repeal of the said laws ; and notwithstanding the repeal of the Acts enumerated in such section, every act done, and every right acquired by virtue of the said Acts shall remain valid ; every penalty incurred shall also remain recoverable ; and every legal proceeding commenced may be continued as if the said Acts were not repealed.

Period for
hunting deer
limited.

3. From and after the passing of this Act, it shall not be lawful to hunt, kill or destroy any red or grey deer, moose, elk, reindeer, cariboo, nor the young of any of the same, between the first day of March and the first day of September in every year, nor to buy, sell, offer for sale, or have in possession any of the above named species of animals, or any parts thereof, so taken within the periods hereinbefore mentioned.

Woodcock and
snipe.

4. It shall not be lawful to hunt, kill, destroy, nor attempt to capture or kill, or to buy, sell, offer for sale, or have in possession, any woodcock or snipe between the first day of March and the first day of August in every year.

Grouse, par-
tridge, &c.

5. It shall not be lawful to snare at any time, or to hunt or kill, to buy, sell, offer for sale, or have in possession, any grouse, partridge, ptarmigan or pheasant between the first day of March and twentieth day of August in every year.

Wild swans,
geese and
ducks.

6. It shall not be lawful to hunt, take, shoot, kill or destroy, nor to buy, sell, offer for sale or possess any wild swan, wild goose or wild duck of the kinds known as mallard, gray-duck, black duck, wood duck, teal, widgeon or any other kind of wild duck whatsoever, at any time between the twentieth day of May and the twentieth day of August in every year.

7. Every person so found having actual possession of any of the aforementioned game, or any portion thereof, within the respective periods above prescribed, shall be held to have obtained the same in violation of the provisions of this Act, except only upon legal proof to the contrary, the burden of which proof shall lie wholly upon the person accused, and such game may be seized by any person and carried before a Justice of the Peace.

Persons in possession of the said game during above periods, how dealt with.

8. It shall not be lawful at any time to use strychnine, or other deadly poison, either mineral or vegetable, for the purpose of killing or catching any kind of wild animal or animals, of any species whatsoever, in Lower Canada.

Use of strychnine and other poisons prohibited.

9. All offences against any of the provisions of this Act, shall be punished by a separate fine for each and every offence of not less than two dollars and not exceeding forty dollars in addition to all costs, in the discretion of any Justice of the Peace, Stipendiary or other Magistrate before whom any complaint herein may be tried and determined; and in default of immediate payment, on conviction, of such fine and costs, the offender shall be forthwith imprisoned in the nearest common gaol for a term of not less than fourteen days, and not to exceed three calendar months, at the discretion of such committing Magistrate, and in proportion in his judgment to the amount of penalty imposed, or until such fine and costs shall have been fully paid.

Offences against this Act, how punished.

Imprisonment upon failure to pay fines.

10. Any article of game so seized, as hereinbefore provided, shall be forfeited, and it shall, thereupon be, by any Justice of the Peace before whom the conviction shall be had, appropriated at his discretion to purposes of charity within the limits of the parish or district over which his jurisdiction extends.

Game so seized to be forfeited.

11. It shall be the duty of every Police Officer or Constable, Clerk of the Market or other party in charge at the market place in every Village, Town and City, to seize and forfeit at sight to his own proper use any game enumerated in the foregoing section, which may be found exposed for sale or otherwise, during prohibited seasons; Provided always, that every such seizure and appropriation shall be duly reported, together with a full description of the person or persons in whose possession such game may be found, to some Justice of the Peace, having jurisdiction over the district within which such proceedings shall have taken place.

Duties of officers in charge of markets.

Proviso.

12. All penalties incurred under this Act shall be recoverable with costs as aforesaid, by summary proceeding before any Stipendiary or other Magistrate, upon the oath or affirmation of at least one credible witness, other than the prosecutor, or of the prosecutor alone if he renounces all claim to any share of the penalty,—or upon view had of any such offence by

Proceedings under this Act to be summary.

And within
what time to
be commenced.

by any Justice of the Peace ; and a prosecution under this Act may be commenced at any time within twelve months after the commission of the offence.

Appropriation
of fines.

13. One third of every fine levied by virtue of this Act shall be paid to Her Majesty, to be applied for the public uses of the Province, and the remaining two thirds thereof shall be paid to the prosecutor, together with costs taxed to him for attendance as a witness, or otherwise, unless the prosecutor has been examined as a witness, and has renounced his share of the penalty, in which case he shall have his costs only, and the whole penalty shall belong to the Crown for the uses aforesaid.

Forms for pro-
ceedings under
this Act.

14. Complaints under this Act may be in the form A—Summonses in the form B—Warrants to arrest Defendant in the form C—Subpœnas in the form D—Convictions in the form E, and Warrants to commit in the form F, G and H, of the Schedule hereunto annexed.

In case wit-
ness refuse to
attend, war-
rant may be
issued to bring
him.

15. If a witness so summoned shall refuse or neglect to attend in obedience thereto, any such Stipendiary or other Magistrate (on proof of due service and the lapse of such reasonable time as fixed by the Summons) may thereupon issue a Warrant, in the form G of the Schedule hereto annexed, returnable immediately, to compel the attendance of such witness to give evidence in the premises, under pain of committal to the common goal during eight successive days, for the contempt.

Summons and
summary pro-
cedure under
this Act.

16. When any person or persons shall be charged upon oath, or otherwise in writing, before any Justice of the Peace with any offence against the provisions of this Act, the said Justice shall forthwith summon the person so charged to appear before him at a reasonable time and place to be named in such Summons according to the discretion of the Magistrate issuing the same ; and if such person or persons shall fail or neglect to appear accordingly, then, upon proof of the personal service of such Summons, or the exercise of due diligence to effect a service of the Summons, (either personally in view of such Justice, or by delivering or leaving a copy thereof at the Defendant's usual place of abode or of common resort, or by reading the same to the defendant in person) the said Justice may either proceed therewith *ex parte*, or issue his Warrant, (in the form C of the Schedule hereto annexed) for apprehending such person or persons and bringing him or them before himself, or some other Justice of the Peace within the Province, in which last mentioned case such other Justice shall thereupon proceed to hear and determine the case as if he had himself proceeded therein *ab initio*.

Warrant if
summons is
not obeyed.

17. In case any Defendant shall not be resident in this Province, and it shall be deemed expedient to proceed against such Defendant without delay, any Stipendiary or other Magistrate may, upon complaint, issue a Summons, returnable before him immediately after the service thereof, or within a reasonable time to be stated in the Summons; and if deemed necessary by the Magistrate, the process provided by the next preceding section for apprehending the Defendant shall be likewise issued simultaneously with such Summons.

Case where the defendant is not a resident in the Province.

18. Every proceeding under this Act and not specially directed by its provisions, and also all costs recoverable thereunder, shall be the same as provided by law in other cases where summary jurisdiction is given to Magistrates.

Proceedings in cases not specially provided for.

19. Any party or parties, found engaged in collecting, carrying away, destroying or attempting to gather, carry away or destroy, or having in possession (being so gathered) or in the act of carrying away any of the eggs of any species of Wild Fowl from any part of Lower Canada or in the Gulf of or River Saint Lawrence or Islands therein, after the first day of June in each year, shall be severally liable to a penalty of not less than twenty dollars, nor more than one hundred dollars, to be recovered either on complaint and conviction according to the form already prescribed in this Act, or upon view had by any Stipendiary or other Magistrate; and in default of the instant payment of such penalty, and all costs incurred, the offender shall be committed to the nearest gaol for a term of not less than two months, nor more than four months.

Penalty for carrying eggs of sea-fowl between certain periods.

20. Every boat or other vessel found employed in gathering or carrying away the eggs of any species of Wild Fowl in contravention of the preceding section, shall be and is hereby declared absolutely forfeited and confiscated to Her Majesty for the public uses of this Province, and may be immediately seized and taken possession of, either upon view of any Stipendiary or other Magistrate or by order of, or under warrant (in the form H of the annexed Schedule) from any Justice of the Peace, Stipendiary or other Magistrate, who shall cause the property so seized to be disposed of at public auction, and the proceeds thereof to be paid over to Her Majesty's Commissioner of Crown Lands for the public uses of this Province; Provided always that out of the proceeds of such confiscation and sale, all reasonable costs and charges attending the seizure and disposal of the boat or vessel so seized and sold as aforesaid, shall first be defrayed.

Forfeiture of vessels employed in contravening the next preceding section.

Proviso.

21. This Act shall not be held to preclude the Indians from killing or possessing any species of game, eggs, wild fowl or animals mentioned therein, provided the same can by reasonable presumption be deemed to be for their own immediate and personal use and consumption, but in no wise intended

Provision in favour of Indians.

nor offered for sale, barter or gift, either within the Province of Canada or in any other country; and the burden of furnishing evidence of such reasonable presumption shall lie upon such Indians.

Convictions not void for want of form, &c.

22. No proceeding under this Act shall be dismissed, and no conviction had under this Act shall be quashed, for want of form; nor shall any warrant of arrest or commitment be held void by reason of any defect therein, provided that it be alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Convictions to be transmitted to the proper Clerk of the Peace.

23. Every Justice of the Peace before whom any person shall have been convicted of any offence against this Act, shall transmit the conviction to the next Court of General Quarter Sessions, which shall be holden for the District wherein the offence shall be committed, there to be kept by the proper Officer, among the Records of the said Court.

Superintendent to be a Justice of the Peace. Game, what.

24. For all the purposes of this Act, the Superintendent of Fisheries for Lower Canada shall be deemed a Justice of the Peace for the whole of that section of the Province, whether otherwise qualified or not. And the word "game," shall mean and include all the birds and animals, mentioned in this Act, or any part or parts thereof.

Searches and search warrants.

25. It shall be lawful for any Justice of the Peace, Stipendiary or other Magistrate, to search or issue a warrant to search any house or place, where he may have reason to believe any game taken, killed or possessed in contravention of this Act, may be concealed or otherwise.

Repealing clause.

26. All Acts, Ordinances or parts thereof being contrary to or inconsistent with the provisions of this Act, are hereby repealed.

Extent of Act.

27. This Act shall be deemed a Public Act, and shall apply to Lower Canada only.

Short Title.

28. This Act shall be known and cited as *The Lower Canada Game Act*.

SCHEDULE A.

Form of Complaint.

Lower Canada, }
to wit: }

This day of , &c., 18 .

To
A. B., actually at , complains that C. D., of
hath (*state the offence briefly, either with the time and place*)

place at which it was committed, or between two given dates extending over a period not exceeding thirty days inclusive) in contravention of the Lower Canada Game Act; Wherefore, the complainant prays that judgment may be given against the said C. D., as by the said Act provided.

(Signature) A. B.

SCHEDULE B.

Summons to Defendant.

Lower Canada, }
to wit : }

To C. D., actually at _____, &c.

Whereas complaint hath this day been made before me that you (*state the offence laid in the complaint*) in contravention of the Lower Canada Game Act; Therefore, you are hereby commanded to come before me forthwith (*or at a specified time and place, which state here*) to answer the said complaint and be dealt with according to law.

Witness my hand and seal, this _____ day of _____ 18 .

J. S.
Justice of the Peace for

(L. S.)

SCHEDULE C.

Form of Warrant to arrest Defendant.

To the Constables and Peace Officers of the District of _____

Whereas C. D., actually at _____, hath, by Summons issued under my hand and seal the _____ day of _____, 18 , been commanded to appear before me at a time and place mentioned therein; and notwithstanding the due service thereof according to law, doth refuse and neglect so to appear in obedience thereto;

Therefore, I command each and every of you the said Constables and Peace Officers forthwith to arrest the said C. D., wheresoever he may be found, and to produce the said C. D. before me, to be dealt with according to law.

Witness my hand and seal, this _____ day of _____ 18 .

J. S.
(As in Summons.)

(L. S.)

SCHEDULE D.

Subpœna for Witness.

Lower Canada, }
to wit : }

To E. F., actually at _____, &c.

Whereas complaint has been made before me that C. D., did (*state the offence*), and I am informed and have reason to believe that you can give material evidence in the case ;

Therefore, you are commanded to appear before me forthwith, (*or at some specified time and place*) to testify what you may know concerning the matter of the aforesaid complaint.

Witness my hand and seal, this _____ day of _____ 18 .

J. S.

(*As in Summons.*)

(L. S.)

SCHEDULE E.

Form of Conviction.

Lower Canada, }
to wit : }

Be it remembered that on this _____ day of _____ 18 , at _____, C. D., actually at _____, is convicted before me for that the did, &c. (*here state the offence briefly, with circumstance of time and place proven*) in contravention of the Lower Canada Game Act ; and I adjudge the said C. D. to forfeit and pay the sum of _____ (*also mention the article to be forfeited*) to be applied as the law directs, and also to pay A. B. (*the complainant*) the sum of _____ for costs :

(*If the penalty be not forthwith paid, add*) and the said C. D. having failed to pay the said penalty and costs forthwith after the said conviction, I adjudge him to be committed to and imprisoned in the Common Gaol of the District of _____ for the period of _____

Witness my hand and seal, this _____ day of _____ 18 .

J. S.

(*Same as in Summons.*)

(L. S.)

SCHEDULE

SCHEDULE F.

Form of Warrant of Commitment for non-payment of penalty or forfeiture and costs.

Lower Canada, }
to wit: }

To the Constables and Peace Officers of the District of _____, and the Keeper of the Common Gaol of the District of _____, at _____,

Whereas C. D., actually of _____, was on the day of _____ (as in conviction), and I did thereupon adjudge the said C. D. to forfeit and pay to A. B., &c., (as in conviction);

And whereas the said C. D. hath not paid the said penalty or forfeiture and costs;

Therefore, I command you the said Constables and Peace Officers, or any of you, to arrest and convey the said C. D. to the Common Gaol for the _____ at _____, and deliver him to the Keeper thereof with this Warrant; And I command you the said Keeper of the said gaol to receive the said C. D. into your custody, and keep him safely imprisoned in the Gaol for the space of _____, and for so doing this shall be your sufficient warrant.

Witness my hand and seal, this _____ day of _____ 18 _____.

J. S.

(As in Summons.)

(L. S.)

SCHEDULE G.

Form of Warrant for Witness.

Lower Canada, }
to wit: }

To the Constables and Peace Officers at the _____, of _____,

Whereas E. F., of _____, having been duly subpoenaed to appear before me on _____, at _____, to give evidence in a matter of complaint for contravention of the Lower Canada Game Act, and notwithstanding due service of such Subpœna certified before me, hath neglected and doth wilfully neglect to appear in obedience thereto;

Therefore

Therefore, this is to command you, or any of you, to forthwith arrest the said E. F. so that you shall have him before me to be dealt with according to law.

Witness my hand and seal, this day of 18 .

J. S.

(As in Summons.)

(L. S.)

SCHEDULE H.

Form of Warrant to attach forfeited Vessel or Boat.

Lower Canada, }
to wit: }

To the Constables and Peace Officers, Officers of Militia, &c.,
of , or actually within the of

Whereas a certain (*here describe succinctly the property illegally employed, and the nature of the offence committed*) in contravention of the provisions of the Lower Canada Game Act, in such case made and provided ;

Therefore, I command you, or any of you, forthwith to take possession of and seize the vessel (*or boat*) above described, and deliver up the same into my immediate custody, to be dealt with as the law directs.

Witness my hand and seal, this day of 18 .

J. S.

(As Justice of the Peace, Stipendiary or other Magistrate.)

(L. S.)

C A P . C I V .

An Act for the relief of certain Law Students in Lower Canada.

[Assented to 16th August, 1858.]

Preamble.

WHEREAS certain Students at Law in Lower Canada have in good faith, though erroneously, supposed that Certificates of Admission to study law and Articles of Clerkship are not necessary to enable those who have served three years with a practising Attorney, and taken a Degree in Law in a University

University or College to be admitted to the Bar in Lower Canada, and have studied and served for some time under such erroneous impression, and it is expedient to afford relief to such Students by giving them the benefit of such study and service: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. It shall be lawful for the Council of any Section of the Bar of Lower Canada to admit to practise as a Barrister, Advocate, Attorney, Solicitor and Proctor, any Student at Law, otherwise duly qualified, who shall in any incorporated University or College, in which a Faculty of Law is established, have followed, before the passing of this Act, a regular and complete course of Law, as provided by the Statutes or regulations of the said University or College, and shall, before the passing of this Act, have taken a Degree in Law in such University or College; provided it shall appear to such Council that such Law Student has served a *bonâ fide* and continued Clerkship of three years, before the passing of this Act, with a practising Attorney, and that a certificate of admission to study Law was duly obtained and Articles of Clerkship were duly entered into by him at least two years before the passing of this Act, and duly registered.

Students at Law otherwise qualified may be admitted to the Bar in Lower Canada on proof of having taken a Degree in Law and served three years with practising Attorneys before the passing of this Act, if articulated two years before its passing.

C A P . C V .

An Act to amend the Act incorporating the City of Three-Rivers.

[Assented to 16th August, 1858.]

WHEREAS it is expedient to amend the Act passed in the twentieth year of Her Majesty's reign, intituled, *An Act to make more ample provision for the incorporation of the Town of Three-Rivers*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

20 V. c. 129.

1. Hereafter, notwithstanding the provisions of the eighth section of the said Act, the notice of the Election of the Mayor and Councillors for the said City may be signed by the officer who shall be designated to preside at the said election.

Notice of election.

Section 8 amended.

2. Notwithstanding the provisions of the second paragraph of the eleventh section of the said Act, the Mayor or any Councillor who shall, without the permission of the Council, neglect or fail to attend the meetings of the said Council during three consecutive months, whether he be or be not absent from the said City, may be superseded in the manner provided in the said section of the said Act.

Three months' absence without leave to vacate seat of Mayor or Councillor.

Contestation of election of Mayor.

3. If the election of the Mayor be contested, the mode of proceeding in such contestation shall be the same as the contestation of elections of Councillors, or any one of them.

In case of absence of mayor for one month or more, provisional mayor may be appointed.

4. In addition to the power conferred on the Council, by the twenty-third Section of the said Act, of choosing, in the absence of the Mayor, one of their number to discharge the duties of Chairman during any meeting, whenever the Mayor shall be absent, or shall, in the opinion of the Council, be about to absent himself during the period of at least one month, the Council may appoint one of their number to act as pro-mayor, and during the absence of the Mayor all his powers shall be vested in the Councillor so appointed, who shall also perform all the duties of his office.

Property may be sold for arrears of taxes remaining unpaid for three years or upwards.

5. Notwithstanding any thing to the contrary in the forty-first section of the said Act, it shall be lawful for the Council to sell in the manner provided in the said section, any real property, whenever the taxes payable in respect of such property shall have remained unpaid for the space of three years, either before or since the passing of the said Act, or whenever three year's arrears of rent shall be found due, in case such property is situated on the common of the said City; and if the proprietor or occupant of any lot within the said City shall neglect or refuse to make, improve, repair, and keep in good order any road, street, lane, footway, fence, drain, or bridge, as required by law, it shall be lawful for the Council to make, improve, repair and maintain the same, and keep them in good order at the expense of such proprietor or occupant, and to recover the costs of such improvement or repair by the sale of the said lot or a portion thereof in the manner provided for in the case of arrears of assessment.

If the owner of any land refuses to repair the road, &c., as required.

Certain clauses of the said Act 20 V. c. 129, repealed.

6. The forty-sixth and forty-eighth sections of the said Act are hereby repealed, and henceforward all By-laws passed by the Council shall take effect on the day therein mentioned, and it shall not be necessary to publish or post up any notice thereof.

Council may take any road, bridge, &c., under his control.

7. In addition to the powers vested in the Council by the said Act, it shall be lawful for the said Council at any time to take the control of any road, public square, street, lane, side-walk, stream, drain or bridge in the said City, and the same to open, make, improve, repair, maintain, and keep in good order with the corporation moneys; and so soon as any such roads, public squares, streets, lanes, side-walks, streams, drains or bridges, shall come under the control of the said Council, all parties who may have been bound to open, improve, repair, and maintain the same, shall be discharged from the obligation of so doing, and thenceforward the said Council alone shall be responsible for the opening, making, improving

improving and repairing of the same, and for keeping them in good order.

8. It shall be lawful for the said Council of the City to make By-laws which shall be binding on all persons, for the following purposes, that is to say: Council may make By-laws for certain purposes.

1. To prevent or hinder the construction or erection of any building of wood within the limits of the said City, or in any part thereof, and to impose a penalty not exceeding twenty dollars for each day during which the parties shall infringe such By-laws, and such fine shall be recoverable in the manner provided by the forty-third Section of the said Act; Wooden buildings.

2. To establish such rules and By-laws as the Council shall think expedient, to prevent accidents by fire. Accidents by fire.

9. Whereas certain Regulations, Acts, and By-laws have been passed by the said Corporation, which is therein designated by the name of the Corporation of the City of Three-Rivers, (*La corporation de la cité de Trois-Rivières*); And whereas the seal of the said Corporation bears also the inscription of the Corporation of the City of Three-Rivers, (*La corporation de la cité de Trois-Rivières*), it is hereby enacted, That all the said Regulations, Acts and By-laws, in which the said Corporation shall have been designated as being the Corporation of the City of Three-Rivers (*La corporation de la cité de Trois-Rivières*), or in which the said seal shall have been used, shall be as valid as if the name of the said Corporation had been correctly stated in the said Regulations, Acts and By-laws and on the said seal; and in future, the name of the said Corporation shall be "The Corporation of the City of Three-Rivers," (*La corporation de la cité de Trois-Rivières*). Recital.
Certain By-laws of the Corporation confirmed.

10. The words "the said Act," occurring herein, shall mean the Act passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to make more ample provision for the incorporation of the Town of Three-Rivers*; the Interpretation Act shall apply to this Act, and it shall be deemed a Public Act. Interpretation.
20 V. c. 129.
Public Act.

C A P . C V I .

An Act to make more ample provision for the incorporation of the Town of St. Johns.

[Assented to 16th August, 1858.]

WHEREAS the provisions of the Lower Canada Municipal and Road Act of 1855, and the Acts amending the same of 1856 and 1857, do not meet the present wants of the Town of St. Johns, and it has become necessary to make more ample provision for the internal management of the said Town: Therefore, Her Majesty, by and with the advice and consent of the Preamble.
18 V. c. 100.
19, 20 V. c.
101.
20 V. c. 41.
Legislative

Legislative Council and Assembly of Canada, enacts as follows :

The said Acts repealed in so far as they relate to St. Johns.

1. 1. The three Acts, mentioned in the preamble to this Act, are hereby repealed, in so far as they relate to the Town of St. Johns ;

Town of St. Johns incorporated.

2. The inhabitants of the Town of St. Johns, as hereinafter described, and their successors, shall be and are hereby declared to be a body politic and corporate, in fact and in law, by the name of the " Corporation of the Town of St. Johns," and by the same name they and their successors shall have perpetual succession, and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes, suits at law whatsoever, and shall have a Common Seal, with power to alter and modify the same at their will and pleasure ; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real or moveable, for the use of the said Town ; of becoming parties to any contracts or agreements in the management of the affairs of the said Town ; and of giving or accepting any notes, bonds, obligations, judgments, or other instruments or securities, for the payment of, or securing the payment of, any sum of money borrowed or loaned, or for the execution or guaranteeing the execution of any duty, right or thing whatsoever.

Corporate name and powers.

Boundaries of the Town.

2. The boundaries and limits of the said town of St. Johns shall be the same as those assigned to the village of St. Johns, by a certain Proclamation dated at the city of Montreal, the twentieth day of July, one thousand eight hundred and forty-eight, under the Hand and Seal at Arms of His Excellency the Right Honorable the Earl of Elgin and Kincardine, at that time Governor General of the Province of Canada, that is to say : the said town of St. Johns shall be bounded on the east by the River Richelieu, on the west by the lands of the second concession, on the north by the south line of the land of Samuel Vaughan as representing Harmon Vaughan, and on the south by the north line of the land of Nelson Mott, as representing Ephraim Mott, beginning on the west side of the river Richelieu, at the south-east corner of the said land of Samuel Vaughan ; thence, running along the said south side of the land of Samuel Vaughan, north, seventy-nine degrees west, magnetically, thirty arpents, to the said second concession ; thence, following the east line of the said second concession, south, one degree east, nine arpents two perches and one half perch ; thence, along the said line of the second concession, south, twelve degrees and thirty minutes west, twelve arpents and three perches ; thence, along the said line, south, ten degrees west, ten arpents, to the north-west corner of the said land of Nelson Mott ; thence, along the said north line of the land of Nelson Mott, south, seventy-nine degrees east, twenty-nine arpents and seven perches,

to the edge of the river Richelieu aforesaid ; thence, northerly, along the edge of the said river, to the place of beginning ; containing eleven hundred and thirteen arpents of land in superficies, which, together with half the width of the said river Richelieu, in front of the said town of St. Johns, comprehends an area of one thousand two hundred and sixty-one arpents, more or less.

3. There shall be elected, from time to time, in the manner hereinafter mentioned, a fit and proper person who shall be and be called the Mayor of the said Town of St. Johns, and eight fit persons who shall be and be called Councillors of the Town of St. Johns ; and such Mayor and Councillors for the time being, shall form the Council of the said Town, and shall be designated as such, and shall represent for all purposes whatsoever the Corporation of the Town of St. Johns.

Mayor and 8
Councillors to
be elected.

4. 1. No person shall be capable of being elected Mayor of the Town of St. Johns, unless he shall have been a resident householder within the said Town for one year before such election, nor unless he be possessed to his own use of real estate, within the said Town, of the value of one thousand dollars, after payment or deduction of his just debts ;

Qualification
of Mayor.

2. No person shall be capable of being elected a Councillor of the said Town, unless he shall have been a resident householder within the said Town for one year before such election, nor unless he be possessed to his own use of real estate within the said Town, of the value of four hundred dollars, after payment or deduction of his lawful debts ;

Qualification
of Councillors.

3. No person shall be capable of being elected Mayor or Councillors of the said Town of St. Johns, unless he be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years ;

Further qua-
lifications.

4. No person being in Holy Orders, or the Ministers of any religious belief whatever, the Members of the Executive Council, nor Judges, Sheriffs or Officers of any Court of Justice, Salaried Civil Functionaries, nor Officers on full pay in Her Majesty's Army or Navy, nor any person accountable for the revenues of the said Town, or receiving any pecuniary allowance from the Town for his services, nor any officer or person presiding at the election of the Mayor or the Councillors, while so employed, nor any person who shall have been convicted of treason or felony in any Court of law within any of Her Majesty's dominions, nor any person having in person or through his partner, any contract whatever or interest in any contract with or for the said Town, shall be capable of being elected Mayor or Councillor for the said Town ; Provided always that no person shall be held incapable of being elected Mayor or Councillor for the said Town, from the fact of his being a shareholder in any incorporated

Who may not
be Mayor or
Councillor.

Proviso.

incorporated Company, which may have a contract or agreement with the said town;

Who shall not be bound to accept the said offices.

5. The following persons shall not be obliged to accept the office of Mayor or Councillor of the said Town, nor any other office to be filled by the Council of the said Town, viz: Members of the Provincial Legislature, practising Physicians, Surgeons and Apothecaries, Schoolmasters actually engaged in teaching, persons over sixty years, and the Members of the Council of the said Town, at the time of commencement of the present Act, or who have been so within the two years next preceding, and the persons who shall have fulfilled any of the offices under such Council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office, during the two years next after such service or payment.

Who may vote at elections.

5. The persons entitled to vote at the Municipal Elections of the said Town shall be the male inhabitant freeholders and householders of the age of twenty-one years, and residing therein, possessed at the time, of real property in the said Town, of the yearly value of four dollars currency, and tenants of the age of twenty-one years, who shall have resided in the said Town, and paid rent during six months, immediately preceding the election, on a dwelling-house or part of a dwelling-house, at the rate of not less than eighteen dollars currency per annum; Provided always that no person qualified to vote at any Municipal Election in the said Town, shall have the right of having his vote registered, unless he shall have paid his Municipal and School taxes due before such election; and it shall be lawful for any candidate at the said election and the person presiding over the said election, to require the production of the receipts setting forth the payment of such assessment so due as aforesaid.

Proviso: voter must have paid his taxes, and the receipt may be demanded.

Mayor and Councillors now in office to remain until elections are held under this Act.

Present By-laws to remain in force until altered, &c.

6. The Mayor and Councillors of the said Town who are at present in office, shall remain in office until the elections which are to take place by virtue of this Act, and all By-laws, ordinances, agreements, dispositions and engagements whatever, passed and entered into by the Municipal Council of the Town and Village of St. Johns, shall continue to have full and entire force to all intents and purposes as though this Act had never been passed, and until such time as the said By-laws, agreements or engagements shall be formally rescinded, abolished or fulfilled, and the said Corporation, as constituted under this Act, shall succeed and be substituted for all purposes whatsoever, in the engagements, rights and trusts of the Municipal Council of the Town of St. Johns, as constituted by the Acts referred to in the preamble of this Act.

When the municipal elec-

7. The municipal elections for the said Town, in virtue of this Act, shall be held in the month of January in each year, and

and public notice thereof shall be given at least eight days previous to such election in the French and English languages, by notices posted up at the doors of the churches, and in the market of the said Town, and read at the door of the Catholic Church in the said town, at the issue of Divine service in the morning of the Sunday preceding the election; and the said notice shall be signed for the first election in virtue of this Act, by the Registrar of the County of St. Johns, whose duty it shall be to preside at the said first election, and for all subsequent elections, the said notice shall be signed by the Mayor or the Secretary-Treasurer of the said Council, and shall specify the day, place and hour upon which the said elections are to take place.

tions shall be held: notice thereof.

Who shall preside.

8. 1. It shall be the duty of the Registrar of the County of St. Johns to preside at the first election which shall take place in the month of January next, and the poll shall be open for the reception and registration of votes from nine of the clock in the forenoon until four of the afternoon of the day appointed for the said election, provided the election shall not have taken place by acclamation; and at the said election each elector shall be entitled to vote for eight Councillors, and shall be entitled at the same time to vote for a Mayor of the said Town; and at the closing of the poll, the said President shall declare the eight persons who shall have obtained the greatest number of votes to be duly elected members of the said Town Council, and the person among the candidates for the Mayoralty who shall have obtained the greatest number of votes to be duly elected Mayor of the said Town of St. Johns; and in case any two or more of the candidates have an equal number of votes, then, and in that case only, the President shall give his casting vote in favor of such candidate or candidates as he shall think fit, and he shall give the said casting vote whether he be or be not entitled to vote himself;

Registrar to preside at the first election.

Mode of voting.

Mayor to be elected at the same time, &c.

Casting vote in case of a tie.

2. If the votes of all the electors present have not been polled by the hour of four in the afternoon of the first day of the said meeting, the person presiding shall adjourn the proceedings thereof to the hour of ten in the forenoon of the following day, when he shall continue to take down the votes; and he shall close the election at the hour of four in the afternoon of the said second day (whether any more votes remain to be polled or not), and shall then declare duly elected Councillors and Mayor, such of the candidates as shall be entitled to be so declared elected;

Voting may continue two days if one be insufficient.

3. If at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapse without any vote being polled, it shall be the duty of the person presiding, after the expiration of the said hour, to close the said election and declare duly elected as Councillors and Mayor, such candidates as shall be entitled

Poll to be closed if no vote be given for one hour.

Proviso.

to be so declared elected ; Provided no person shall have been within the last hour prevented from approaching the poll by violence, of which notice shall have been given to the person presiding ;

Duration of office of Mayor and Councillors.

4. The Mayor shall be elected for one year only, and shall remain in office until his successor shall have been appointed ; the Councillors elected at any of the Municipal elections shall remain in office during two years, except those who shall have been elected at the first election, of whom four shall retire from office at the expiration of the first year, and it shall be declared by lot in the manner established by the Council which of the Councillors shall thus retire from office at the end of the first year ;

How subsequent elections shall be conducted.

5. The subsequent annual elections of a Mayor and of four Councillors for the said town, shall take place in the same manner and within the same delays as the first, with the exception, however, that the said elections, instead of being presided over and conducted by the Registrar, shall be so by one of the members of the Council, who shall not retire from office, and who shall be appointed by the Council one month previous to the time fixed for the said election, and the said Councillor shall make a proclamation of the persons elected in the same manner, at the same hour, and in the same place as the Registrar for the first election, and the said Councillor, for all purposes relating to elections, shall have the same powers and the same duties as the Registrar for the first election ;

Powers of person presiding, and his deputies.

6. The person who shall preside at an election shall, during such election, be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying and convicting violators of the law, as are vested in the Justices of the Peace, and this, whether the said person presiding do or do not possess the property qualification of a Justice of the Peace, as required by law, and it shall be lawful for the President to appoint special constables in sufficient numbers to preserve peace at the said election, if he shall think it necessary or be required so to do by five electors.

Notice of first meeting of Council.

9. 1. The person presiding at any such election shall, within two days from the closing of the election, give to the Mayor and each of the Councillors so elected, special notice of their said election, as well as of the place, the day, and the hour appointed by him for the first meeting of the Council to take place after their said election ; The Mayor and Councillors so elected shall enter respectively into office as such, at the said first meeting, and shall remain in office until the appointment of their successors ;

Entry into office.

Poll books, &c., to be de-

2. The person presiding at any such election shall deliver up immediately to the Secretary-Treasurer of the Town Council, if

if such officer exist, and if not, then as soon as the said officer shall be appointed, the Poll Books kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said Council, and copies of the same, certified by the Secretary-Treasurer, shall be valid in any Court of Justice ;

livered up to
the Secretary
Treasurer, &c.

3. The first session of the Council, after the first election, shall take place within eight days immediately following the said election, and at such meeting the Mayor and Councillors elected shall take the following oath before a Justice of the Peace :

First sitting :
Mayor and
Councillors to
take oath of
office.

“ I, A. B., do solemnly swear faithfully to fulfil the duties of member of the Town Council of St. Johns, to the best of my judgment and ability. So help me God.”

The Oath.

And the members then present, provided they form a majority of the Council, shall be authorized to act as the Council, and all members absent without just cause shall be held to have refused the office, and shall be liable to the fine hereinafter provided for in like cases, unless they be persons who are exempted from serving ;

4. The Mayor and Councillors elected at the elections subsequent to the first, shall enter into office on the day of their nomination, and a meeting of the Council shall take place within eight days after, in the same manner as after the first election, and the Mayor and Councillors elected shall take the same oath, and those absent, without just cause, shall be held to have refused the office, and shall be liable to the penalty provided in such cases, unless they be persons who are exempted from serving ;

When the
Mayor elected
after first elec-
tion shall go
into office.

5. Five members of the Council shall constitute a quorum ;

Quorum.

6. The expenses of every election shall be defrayed out of the funds of the Corporation.

Expenses.

10. 1. In any case in which one of the persons elected shall refuse to act as Mayor or Councillor, or in case his election being contested shall be declared null, the electors of the town shall proceed to a new election, and elect a person to replace the said Councillor within one month after the said refusal shall have been made known, or that the said election shall have been declared null ; and if it be the Mayor who shall refuse to accept, or whose election shall have been declared null, the electors of the town shall proceed to a new election for such Mayor, within the same delay ; and the said election shall be conducted in the same manner as annual elections ;

In case the
Mayor or
Councillors
shall refuse to
act.

If the Mayor
refuses, &c.

In case of the absence, death or incapacity of Mayor or Councillors.

2. In case of the death of the Mayor or a Councillor, or in case of his absence from the Town, or incapacity of acting as such, either from infirmity, sickness, or any other cause, during three calendar months, the other Councillors, at the first meeting of the Council which shall take place after such decease, or at the expiration of the said period of three months, shall appoint from amongst the inhabitants of the town another Mayor or Councillor to replace the Mayor or Councillor so deceased, absent, or rendered incapable, as above mentioned; Provided, however, that notwithstanding the decease, absence, or inability to act, of the said Mayor, or the said Councillor, the remaining Councillors shall continue to exercise the same powers and fulfil the same duties which they would have had to exercise or fulfil, had not such decease, absence or inability to act on the part of the said Mayor or Councillor taken place;

Proviso: remaining Councillors empowered to act.

Duration of office.

3. Every Mayor or Councillor, so elected or appointed to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected or appointed, and no longer.

Presiding officer at election to take oath.

11. Before any person shall proceed to hold an election in conformity with this Act, he shall take the following oath, which any Justice of the Peace residing in the said town is hereby authorized to administer, that is to say :

The oath.

“ I do solemnly swear, that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of Presiding Officer at the election which I am about to hold for persons to serve as members of the Town Council of St. Johns. So help me God.”

Presiding officer to examine candidates upon oath as to qualification, if required so to do.

12. The officer presiding at any election under this Act shall have authority, and he is hereby required, at the request of any persons qualified to vote at such election, to examine on oath (or affirmation, *when the party is allowed by law to affirm*) any candidate for the office of member of the said Town Council, respecting his qualification to be elected to the said office ; and shall also have authority, and he is hereby required, upon such request as aforesaid, to examine upon oath (or affirmation) any person tendering his vote at any election, and the oath to be administered by the Presiding Officer in both cases shall be in the form following, viz :

The oath.

“ You shall true answer make to all questions put to you by me in my capacity of Presiding Officer at this election, respecting your qualification to be elected a member of the Town Council, (or respecting your qualification to vote at this election, *as the case may be.*) So help you God.”

May put other questions.

And the Presiding Officer shall himself put the questions which he shall deem necessary.

13. If any person, being examined upon oath or affirmation under this Act as to his qualification to be elected or to vote, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof, shall be subject to the same penalties as in cases of other wilful and corrupt perjury.

Falseswearing to be perjury.

14. The said Town Council shall meet at least once in each month for the transaction of the business of the said town, and shall hold their sittings in the Town Hall or in any other place in the said town which shall have been set apart for the purpose, either temporarily or permanently; Provided always that one or several members, not sufficient to form a quorum, may adjourn any meeting of the Council which may not have taken place for want of a quorum, and such members, though not forming a quorum, are hereby authorized to compel the attendance of absent members at the regular or adjourned meetings as aforesaid, and to impose such penalties upon such absent members for a repetition of the offence, as may be provided by any By-law of the said Town Council for that purpose.

Times and places of meeting of the Council.

Proviso: as to adjournments and penalties for non-attendance.

15. It shall be lawful for the Mayor of the said Town, whenever he shall deem it necessary or useful, to call special meetings of the said Council, and whenever two members shall be desirous of obtaining such special meeting, they shall apply to the Mayor to call such meeting; and in the absence of the Mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the Secretary-Treasurer of the said Council, their object in calling such special meeting, and the day on which they are desirous that it shall be held; and the said Secretary-Treasurer shall, upon receipt of such written notification, communicate the same to the other members of the Council.

Mayor may call special meetings.

And in case of his absence or refusal.

16. 1. If the election of all, or of one or more of the Councillors be contested, such contestation shall be decided by the Circuit Court of the District of Iberville;

Decision of contested elections by Circuit Court.

2. Every such election may be so contested by one or more of the Candidates, or at least ten of the electors of the said Town;

Who may contest.

3. The said contestation shall be brought before the Court, by a petition signed by the petitioner or petitioners, or by any Attorney duly authorized, setting forth in a clear manner the grounds of such contestation;

And how.

4. A true copy of the petition, with a notice stating the day on which the said petition will be presented to the Court, shall be first duly served upon the Mayor, Councillor or Councillors whose election is contested, at least eight days before the day on which the said petition shall be presented to the Court; and a

Form of proceedings.

return

Time for con-
testing limit-
ed.

return of the service shall be drawn up and signed in due form upon the original of the said petition, by the Bailiff who shall have made such service ; but no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next preceding the first day of such term, in which case any such petition may be presented on the first day of the second term, but not later ; nor shall any such petition be received, unless security for costs be given by the petitioners in the presence of a judge of the Superior or Circuit Court, or of the Clerk of the Circuit Court for the said District of Iberville, or his Deputy ;

Courts may
proceed in a
summary
manner.

5. If the Court be of opinion that the grounds set forth in the petition are sufficient in law to void the election, it shall order proof to be adduced, if proof be necessary, and the parties interested to be heard, on the nearest day which it shall deem expedient, and shall proceed in a summary manner to hear and decide the said contestation ; the evidence may be taken down in writing or given orally in whole or in part, as the Court shall order ; And if the trial of such contestation be not concluded at the close of the term of the Court during which it began, the Judge shall continue the same in vacation, and shall adjourn from day to day until he shall have pronounced his final judgment upon the merits of the same ; and every such judgment so pronounced and all proceedings had in any such case in vacation shall have the same effect as if the same had been pronounced or had in term ;

Evidence.

Judgment to
be final.

What may be
declared by
the judgment.

6. The Court may, on such contestation, confirm the election or declare the same to be null and void, or declare another person to have been duly elected, and may, in either case, award costs to or against either party, which costs shall be taxed and recovered in the same manner, and by the same means, as costs are taxed and recovered in actions of the first class, with right of appeal, brought in such Circuit Court ; and the Court may order its judgment to be served upon the Secretary-Treasurer of the Council, at the expense of the party condemned to payment of costs, as aforesaid ;

With respect
to defects or
irregularities.

7. If any defect or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground of contestation, the Court may admit or reject the objection, according as such defect or irregularity may or may not have materially affected the election.

In case any
annual muni-
cipal election
shall not be
held.

17. In case it shall at any time happen that an Annual Municipal Election shall not be held, for any reason whatever, on the day when, in pursuance of this Act, it ought to have been held, the said Town Council shall not, for that cause be deemed to be dissolved, and it shall be lawful for such members of the said Council as shall not have retired from office, to meet again, for the purpose of fixing as early as possible a day for

for the holding of such Annual Municipal Election ; and in such case, the notices and publications required by this Act shall be published and posted up not less than one clear day before the election ; and if, within fifteen days after the day on which such election ought to have been held, the members of the said Council shall have neglected to appoint a day for such election, they shall be liable to a fine of twenty dollars each, and such election shall then be held by the Registrar ; And if it be the first election which has not taken place, then it shall be the duty of the Registrar to have it take place within the shortest possible delay.

18. The said Council shall have power to punish by imprisonment, not exceeding fifteen days, or by a fine which shall not exceed, but may be less than forty dollars currency, any Councillor who may be guilty of serious disturbance or violence during its sittings, either by action, by word or in any other manner whatsoever.

Power to Council to impose penalties and imprisonment.

19. All meetings of the said Council shall be public, excepting only when the said Council shall enquire into the conduct of any members of their own body, for any causes whatsoever, in which case it shall be lawful for the said Council to sit with closed doors ; And the said Council shall determine the mode of their proceedings, and shall have power to cause order to be observed by persons present during their sittings, and to punish by fine and imprisonment, or by one of the two, any act of contempt committed by any such persons present ; Provided always, that no such fine shall exceed the sum of twenty dollars currency, and that no such imprisonment exceed the period of fifteen days.

Meetings to be public.

Certain other powers of Council.

Contempts.

Proviso. Fines limited.

20. The Sheriff and Gaoler of the District of Montreal, and those of the District of Iberville, when there shall be a Gaol in the latter District, shall be bound, and they are hereby authorized and required to receive and safely keep until duly discharged, all persons committed to their charge by the said Town Council, or any member or officer thereof under the authority thereof.

Duties of Sheriff and Gaoler.

21. The Mayor of the said Town, if he is present, shall preside at the meetings of the Council, shall maintain order thereat, and shall have a right to express his opinion, but not to vote, on all questions which shall be brought before the said Council ; Provided always, that when the said Councillors, after having voted on any question, shall be found to be equally divided, then, and in that case only, the Mayor shall decide the question by his vote, giving his reasons for it if he thinks proper ; and neither the Mayor nor the Councillors shall receive any salary or emoluments from the funds of the Town during the time they shall remain in office ; Provided also, that whenever the Mayor shall not be present at any regular or special meeting of the said Town Council, the Councillors present shall choose

Mayor to preside at Council meetings, and to have a casting vote, but neither he nor the Councillors to have any pay.

Proviso.

one of their number to fill the place of the Mayor during the sitting.

Secretary
Treasurer
appointed.

22. 1. The Council, at its first general session, or at a special session, held within the fifteen days, which shall follow the first day of such general session, shall appoint an officer who shall be called the "Secretary-Treasurer of the Town of St. Johns;"

Duties of
Secretary
Treasurer.

2. The Secretary-Treasurer shall be the custodian of all the books, registers, valuation-rolls, collection-rolls, reports, *procès-verbaux*, plans, maps, records, documents and papers kept or filed in the office or archives of the Council; he shall attend all sessions, and shall enter in a Register kept for the purpose all the proceedings of the Council, and he shall allow persons interested therein to inspect the same at all reasonable hours: and every copy or extract of or from any such book, register, valuation-roll, collection-roll, report, *procès-verbal*, plan, map, record, document or paper, certified by such Secretary-Treasurer, shall be deemed authentic;

His certificate
to make cer-
tain docu-
ments authen-
tic.

Security to be
given by him.

3. Every person appointed Secretary-Treasurer shall, before acting as such, give the security hereinafter mentioned;

Sureties; and
for what
bound.

4. He shall furnish two sureties, whose names shall be approved by a resolution of the Council, before they shall be admitted as such; all such sureties shall be jointly and severally bound together with the Secretary-Treasurer, and their obligation shall extend to the payment of all sums of money for which the Secretary-Treasurer may at any time be accountable to the Corporation, including principal, interest and costs, as well as the penalties and damages to which he shall become liable in the exercise of his office;

Security
bonds.

5. Every such security bond shall be made by an Act before a Notary and accepted by the Mayor, and it shall be the duty of the Secretary-Treasurer to transmit to the Mayor a copy of the same;

To be regis-
tered: and its
effects when
registered.

6. Every such security bond, when duly registered in the registry office for the County of St. Johns, shall carry with it a hypothec (*hypothèque*) only on such immovable property as shall have been therein designated; and it shall be the duty of the Chief Officer of the Council to cause it to be registered immediately on receipt thereof;

The Secretary
Treasurer
shall receive
and pay out
the moneys of
the Corpora-
tion.

7. The Secretary-Treasurer of the Council shall receive all moneys due and payable to the Corporation, and he shall pay out of such moneys all drafts or orders drawn upon him by any person thereunto authorized by this Act, for the payment of any sum to be expended or due by the Municipality, whenever thereunto authorized by the Council, but no such draft or order shall

shall be lawfully paid by the said Secretary-Treasurer, unless the same shall shew sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby ;

8. The Secretary-Treasurer shall keep in due form, books of account in which he shall respectively enter each item of receipt and expenditure, according to dates, mentioning at the same time the names of the persons who have paid any moneys into his hands or to whom he has made any payment respectively, and he shall keep in his office the vouchers for all expenditure ;

Shall keep the books.

9. The Secretary-Treasurer shall render to the Council every six months, that is to say, in the months of June and December in each year or oftener, if required by such Council, a detailed account of his receipt and expenditure, attested by him under oath ;

To render attested accounts.

10. The Secretary-Treasurer's books of account and vouchers shall, at all reasonable hours of the day, be opened for inspection, as well to the Council as to each of the members thereof, and the Municipal Officers by them appointed, as to any person liable to assessment in the Town ;

Books to be open to public.

11. The Secretary-Treasurer, or any other person who shall have filled the said office, may be sued by the Mayor in the name of the Corporation, before any tribunal of competent jurisdiction, for having failed to render an account, and in any such action he may be condemned to pay damages and interest for having failed to render such account ; and if he renders an account, he shall be condemned to pay such balance as he shall acknowledge or declare to have in his hands, together with such other sums as he ought to have debited himself with, or as the Court shall think he ought to be held accountable for ; and every judgment pronounced in any such suit shall include interest at twelve per cent. on the amount thereof, by way of damages, together with the costs of suit ;

He may be sued by the Mayor in the name of the Corporation.

Damages in such suit.

12. Every such judgment shall carry *contrainte par corps* against the said Secretary-Treasurer, according to the laws in force in like cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the said account ;

Contrainte par corps.

13. The Council shall have power and authority to appoint such other officers as may be necessary for carrying into effect the provisions of this Act, or of any By-law or regulation of such Council ;

Power of Council to appoint officers.

14. Every Municipal Officer, whether elected or appointed shall, within eight days from the day on which he shall cease

Officers retiring—their duties.

to

to hold such office, deliver to his successor, if he be then elected or appointed, or if not, then within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such office ;

In case of death, or absence from Lower Canada.

15. If any such officer die or absent himself from Lower Canada without having delivered up all such moneys, keys, books, papers and insignia, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor within one month from his death or from his departure from Lower Canada ;

His successor to have a right of action for certain purposes.

16. And in every such case the successor in office of every such officer shall, besides all other legal remedies, have a right of action before any Court of Justice, either by *saisie revendication*, or otherwise, to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or insignia, together with costs and damages in favor of the Corporation ; and every judgment rendered in every such action may be enforced by *contrainte par corps* against the person condemned, according to the laws in force in such cases in Lower Canada, each time the said *contrainte* is demanded by the declaration.

Assessors to be appointed ; their duties.

23. The said Town Council shall have power, whenever they may deem advisable, to appoint three assessors or valuers of property, and it shall be the duty of the said assessors to estimate the rateable property in the said Town according to its real value, and in the manner and within the periods which shall be fixed by the said Town Council.

Assessors to take oath.

24. Every person so appointed assessor shall be bound, before proceeding to the valuation of any property in the said Town, to take the following oath before the Mayor of the said Town, or in his absence, before a Councillor, to wit :

The oath.

“ I, _____, having been appointed one of the assessors of the Town of St. Johns, do solemnly swear, that I will diligently and honestly discharge the duties of that office to the best of my judgment and ability. So help me God.”

Real property qualification.

25. The assessors who shall be appointed for the said Town shall be proprietors of real estate in the said Town of the value of at least six hundred dollars currency of this Province.

Proceedings of Council upon deposit of assessment-roll.

26. When the assessors shall have made a valuation of all the rateable property of the said Town, they shall deposit the assessment-roll with the Secretary-Treasurer of the said Town, and notice of such deposit shall be given by the Secretary-Treasurer in the same manner as notice of an election of Councillors ; And at the next ensuing meeting of the said Council, the said assessment-

assessment-roll shall be produced, and if they desire it, examined by the Councillors ; and the assessment-roll shall be deposited in the office of the Secretary-Treasurer for the period of one month, dating from such meeting ; and during that period, it shall remain open to the inspection of all persons whose property shall have been estimated, or their representatives ; and within that period, persons considering themselves aggrieved may give notice in writing to the Secretary-Treasurer, of their intention to appeal to the said Town Council, complaining of any excessive valuation, and such appeal shall be tried by the said Council, at the first meeting which shall be held after the expiration of the month above mentioned ; and the said Council, after having heard the parties and their witnesses under oath, which shall be administered by the Mayor or presiding Councillor, shall confirm or alter the valuation, the change whereof shall have been prayed for, as to them shall seem just ; and at the same meeting the said assessment-roll shall be declared closed for three years ; unless, however, from the number of appeals, the Council shall be compelled to adjourn, in which case the said assessment-roll shall not be declared closed until all the appeals shall have been heard and determined ; Provided always, that if, after the said assessment-roll shall have been declared closed as aforesaid, any property in the said Town should suffer any considerable diminution in value, either through fire, demolition, accident or any other reasonable cause, it shall be lawful for the said Council, upon the petition of the proprietor, to instruct the assessors to reduce their valuation of such property to its then actual value ; And provided also, that if any omission shall have been made in the said assessment-roll, the said Council may order the assessors to value any property so omitted, in order to its being added to the roll ; And provided also, that the said assessors shall, when directed by the said Council, make a yearly valuation of the stocks of merchandise held in the said Town.

Proviso : as to diminution in value.

Proviso : as to omissions.

Proviso.

27. At the first meeting after each Annual Municipal Election, two persons shall be appointed by the said Town Council, to be Auditors of the accounts of the said Council ; and such Auditors shall take the following oath, before any one of the Justices of the Peace, residing in the said town, that is to say :

Two auditors of accounts to be appointed and sworn.

“ I, _____, having been appointed to the office of Auditor of the town of St. Johns, do hereby swear, that I will faithfully perform the duties thereof, according to the best of my judgment and ability ; and I do declare that I have not directly or indirectly any share or interest whatever in any contract or employment with, by, or on behalf of the Town Council of the said town of St. Johns. So help me God.”

The oath.

Duty of Auditors.

Detailed accounts to be published.

28. It shall be the duty of the Auditors to examine, approve, or disapprove of and report upon all accounts which may be entered in the books of the said Council or concerning them, and which may relate to any matter or thing under the control of, or within the jurisdiction of the said Town Council, and may then remain unsettled; and to publish a detailed statement of the receipts and expenditure, and of the assets of the said Council, in two newspapers (one in the English and the other in the French language) published or in circulation in the said town, at least fifteen days before the Annual Municipal Elections.

Real property qualification of auditors. Proviso: certain parties disqualified.

29. The Auditors who shall be appointed for the said town shall be proprietors of real estate therein of the value of at least four hundred dollars currency; Provided always, that neither the Mayor, Councillors, Secretary-Treasurer of the said town, nor any person receiving any salary from the said Council, either for any duty performed under their authority or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of Auditor for the said town.

Mayor to be Justice of the Peace.

Proviso.

30. The Mayor of the said town shall, during the period of his office, be a Justice of the Peace for the said Town; Provided always, that he shall not be bound to take any other oath than the official one to act as such, any law to the contrary notwithstanding.

In what cases Councillors shall become disqualified.

31. Every person holding the office of Councillor of the said town, who shall be declared a bankrupt or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of insolvent debtors, or who shall enter into holy orders, or become a minister of religion in any religious denomination, or who shall be appointed a Judge or Clerk of any Court of Justice, or a member of the Executive Council, or who shall become responsible for the revenues of the town, in whole or in part, or who shall absent himself from the said town, without the permission of the said Council, for more than two consecutive months, or who shall not be present at the meetings of the said Council for a like period of two consecutive months, shall, by virtue of any one of these causes, become disqualified, and his seat in the said Council shall become vacant, and such person shall be replaced in accordance with the provisions of this Act; Provided always, that the word "Judge" employed in any part of this Act, shall not apply to a Justice of the Peace.

Vacancy to be filled.

Proviso.

Town Council may make By-laws for certain purposes.

32. It shall be lawful for the said Town Council, from time to time, to make such By-laws as may seem to them necessary or expedient for the internal government of the town, for the improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing, and draining of the

the streets, public squares, and vacant or occupied lots; for the prevention or suppression of all nuisances whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with, or affecting the internal management or government of the said town.

33. It shall be lawful for the said Town Council to appoint, remove and replace, when they shall think proper, all such officers, constables, and policemen as they shall deem necessary for the due execution of the laws and by-laws now in force or to be by them enacted hereafter, and to require from all persons employed by them, in any quality whatsoever, such security, as to them shall seem meet to ensure the due execution of their duties. May appoint and remove officers.

34. In order to raise the necessary funds to meet the expenses of the said Town Council, and to provide for the several necessary public improvements in the said town, the said Town Council shall be authorized to levy annually on persons and on moveable and immoveable property in the said town, the taxes hereinafter designated, that is to say: Council may levy taxes;

1. On all lands, town lots, and parts of town lots, whether there be buildings erected thereon or not, with all buildings and erections thereon, a sum not exceeding one half of a cent in the dollar on their whole value, as entered on the Assessment-Roll of the said town; Upon real property;

2. On the following moveable property, a like annual sum of one half of a cent in the dollar at the value herein specified; And upon certain moveable property.

Every horse kept for covering mares, shall be rated at four hundred dollars;

Every horse kept for hire or gain, at sixty dollars;

Every horse above the age of three years, and kept for domestic purposes, at forty dollars;

Every bull, at fifty dollars;

Every ram, at twenty dollars;

Every head of horned cattle, aged two years and more, at twenty dollars;

Every covered carriage with four wheels, at two hundred dollars;

Every open carriage, with four wheels and two seats, at eighty dollars;

Every

Every curricule or light waggon, with one seat, at forty dollars ;

Every two horse sleigh, at eighty dollars ;

Every one horse sleigh at forty dollars ;

Proviso : certain personal property exempted.

Provided always, that every winter or summer vehicle used solely for drawing loads, and all vehicles commonly called draught or work vehicles, as well as all farm stock, and all implements used for agricultural purposes, shall be exempt from any tax whatever ;

Upon merchandise.

3. On all stocks in trade or goods kept by merchants or traders, and exposed for sale on shelves in shops or kept in storehouses, a tax of one half per cent. on the estimated average value of such stocks in trade ;

Tenants.

4. On each tenant paying rent in the said town, an annual sum equivalent to three cents in the dollar on the amount of his rent ;

Poll tax on male inhabitants.

5. On each male inhabitant of the age of twenty-one years who shall have resided in the said town for six months, and not being a proprietor or tenant, nor an apprentice, nor a domestic servant, an annual sum of one dollar ;

Dogs.

6. On every dog kept by persons residing in the said town, an annual sum of one dollar ;

On certain professions, trades, &c.

Public houses. Pedlars.

Places of amusement.

Auctioneers and other traders.

Bankers.

Insurance Companies.

All callings whatever.

Workmen to be taxed in classes.

7. And it shall be lawful for the said Town Council to fix, by a By-law or By-laws, and to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses, and on all retailers of spirituous liquors ; and on all pedlars and itinerant traders selling in the said Town, articles of commerce of any kind whatsoever ; and on all proprietors, possessors, agents, managers, and keepers of theatres, circuses, billiard-rooms, nine-pin alleys, or other places for games or amusements of any kind whatsoever ; and on all auctioneers, grocers, bakers, butchers, hawkers, carters, livery stable keepers, brewers and distillers ; and on all merchants and manufacturers, and their agents ; and on all proprietors or keepers of wood yards, or coal yards, and slaughter-houses, in the said Town ; and on all money-changers or exchange-brokers, pawn-brokers, and their agents, and on all bankers and banks, and all agents of bankers and banks ; and on all Insurance Companies or their agents ; and generally on all commerce, manufactures, callings, arts, trades, and professions, which have been or which may be exercised in or introduced into the said Town, whether the same be or be not mentioned therein ; and the workmen of all mechanical arts and trades exercised in the said

said Town, shall be divided into first and second classes, by the person appointed by the said Town Council to make the roll of moveable property, and shall be assessed at one dollar per annum for those of the first class, and at twenty-five cents for those of the second class; and every person in the said Town, practising the profession of a Lawyer, or of a Physician, or of a Land Surveyor, or of a Notary, or any other liberal profession, shall be assessed at the sum of three dollars annually; and the said Town Council may name a person or persons to make the roll of the persons and moveable property mentioned in the different parts of this section;

Lawyers,
Doctors, &c.

Roll to be
made.

8. And the said Council shall also have the power to fix the amount of personal commutation, that is to say, of the sum to be payable by each person liable to assist in keeping the streets and side-walks of the said Town in repair, and to refuse the labor of such person in keeping the same in repair, if the said Council should prefer to charge itself therewith; Provided always that every such sum demanded for personal composition shall be equitably established in proportion to the work to be done, and that by arbitration, if the parties concerned require it.

Commutation
in respect to
statute labor.

Proviso.

35. The said Council shall also have power to make By-laws:

Council may
make By-laws
with respect
to:

1. For the concession of emplacements and for opening new streets in the common of the said Town, to such extent as may from time to time be required, and upon such conditions as the Council may deem proper, any law to the contrary notwithstanding;

Conceding lots
and opening
streets in the
common.

2. For establishing one or more new market places; and for extending the market places now existing or which may be hereafter established; the whole subject to the payment of the damages which may be incurred by parties in consequence of their respective lands being encroached upon by the extension of such market places;

Markets.

3. For determining and regulating the duties of the Clerks of the markets in the said Town, and all other persons they may deem proper to employ to superintend the said markets; and for letting the stalls and other places for selling upon and about the said market places; and for fixing and determining the duties to be paid by any persons selling on any of the said markets, any provisions or produce whatever; and for regulating the conduct of all such persons in selling their goods; and to provide for the weighing or measuring, as the case may require, by the officers named for that purpose by the said Council, and on the payment of such fees as the said Council may think fit to impose on that behalf, of any thing or things sold or offered for sale on the said markets;

Clerks of mar-
kets, and their
duties.

Weighing and
measuring.

- Amending By-laws. 4. For amending, modifying or repealing all By-laws made by the Municipal Councils who have had the management of the internal affairs of the said Town ;
- Vehicles on markets. 5. For regulating and placing all vehicles in which any articles shall be exposed for sale on the said markets ;
- Sales in markets. 6. For preventing persons bringing articles of any kind into the said Town, from selling or exposing them for sale in any other place than the markets of the said Town ;
- Cordwood, &c. 7. For regulating the weighing and measuring of all cordwood, coals, salt, grain, lime and hay, brought or sold in the said Town, by strangers or persons residing therein ;
- Weights and measures. 8. For determining in what manner the said articles and all others shall be sold and delivered, whether by quantity, measure or weight, and for obliging all persons to observe in the above matters, the By-laws which the said Council shall hereafter deem useful to establish ;
- Obstructions. 9. For preventing obstructions of any nature whatsoever in streets ;
- Sales on public highways. 10. For preventing the sale on the public highway of any wares or merchandize whatsoever ;
- Sale of intoxicating liquors. 11. For restraining and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquor, or for authorizing such sale, subject to such restrictions as they may deem expedient ;
- Licenses. 12. For determining under what restrictions and conditions and in what manner the Revenue Inspector of the District of Iberville shall grant Licenses to Merchants, Traders, Shop-keepers, Tavern-keepers, and other persons to sell such liquors ;
- Sum payable. 13. For fixing the sum payable for every such License, provided that in any case it shall not be less than the sum which is now payable therefor, by virtue of the laws at present in force ;
- Regulation of shop-keepers. 14. For regulating and governing all Shop-keepers, Tavern-keepers, and other persons selling such liquors by retail, and in what places such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness ;
- Sale of liquor to children, apprentices, &c. 15. For preventing the sale of any intoxicating beverage to any child, apprentice or servant ;
- Cruelty to animals. 16. For preventing the driving of vehicles at an immoderate pace in the said Town, or riding on horseback on the sidewalks

walks of the said Town, or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively in order to oblige them to draw burthens of too great a weight ;

17. For regulating, fixing and determining the weight and quality of bread sold or offered for sale within the limits of the said Town ; Bread.

18. For regulating the conduct and certain duties of apprentices, domestics, hired servants and journeymen in the said Town, and also certain duties and obligations of masters and mistresses towards such servants, apprentices and journeymen ; Servants and apprentices.

19. To prevent the keeping of gaming-houses, places for gambling or any description of houses of ill-fame in the said Town ; Gaming houses.

20. To establish as many public pounds as the said Council shall deem expedient to open for the impounding of animals of any species which may be running at large in the said Town ; Pounds.

21. For regulating, arming, lodging, clothing and paying a Police Force in the said Town, and for determining their duties ; Police.

22. For fixing and regulating the places in which interments may take place within the said Town ; for compelling the taking up of any body interred within the said limits contrary to this provision : Provided always that this paragraph shall not extend to prevent interments in the Churches in the said Town ; Interments.
Proviso.

23. To compel the proprietors of all land and real property within the said Town, their agents or representatives, to enclose the same ; and to regulate the height, description and material of every such enclosure ; Enclosures.

24. To compel the proprietors or occupants of lots of land in the said Town, having stagnant or filthy water upon them, to drain or raise such lands, so that the neighbors may not be incommoded, nor the public health endangered thereby ; and in the event of the proprietors of such lands being unknown, or having no representative or agent in the said Town, it shall be lawful for the said Council to order the said lands to be drained, or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed ; and the said Council shall have a like power if the proprietors or occupants of such lands are too poor to drain, raise or fence in the same ; and in every case the sum expended by the said Council Draining and fencing of lands.

Council in improving such lands, shall remain as a special hypothec on such land, and have privilege over all other debts whatsoever, without it being necessary to register the same ;

Encroachments.

25. To oblige all proprietors or occupants of houses in the said Town, to remove from the streets all encroachments or obstructions of any sort, such as steps, galleries, porches, posts or other obstacles whatsoever ;

Old and ruinous buildings.

26. To cause to be pulled down, demolished and removed, when necessary, all old, or dilapidated walls, chimneys and buildings of any description that may be in a state of ruin, and to cause to be removed from the streets all sheds, stables, and other buildings erected on the level of any street, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne ;

Width of streets.

27. For regulating the width of streets to be opened hereafter in the said Town ; for regulating and altering the height or the level of any street or side-walk in the said Town ; Provided, that if any person shall suffer real damage by the widening, lengthening or altering the level of any street in the said Town, such damage shall be paid to such person, after having been assessed by arbitrators, if any of the parties shall require it ;

Water and gas.

28. For defraying out of the funds of the said Town the expenses of furnishing the citizens with water, and of lighting the said Town with gas, or in any other manner, and for obliging the proprietors of real property in the said Town to allow the necessary works to be performed for such objects on their respective properties, and for obliging all proprietors to allow the necessary pipes, lamps and posts to be fixed in or upon their houses ; Provided always, that in all such cases, the expense of all such pipes, lamps and other necessary works shall be defrayed by the said Council ; And provided also, that the solidity of the buildings on and near to which they shall be so placed, shall be in no wise affected, and that any damages that may be caused shall be paid by the said Council, and that every proprietor shall be indemnified by the said Council ;

Proviso.

Proviso.

Common sewers.

29. For assessing the proprietors of real property situate on any of the streets of the said Town, for such sum as shall be deemed necessary for making or repairing any common sewer in any of the streets of the said Town, such assessment being in proportion to the assessed value of such property ; and for regulating the mode in which such assessment shall be collected and paid ; Provided always, that the said Council shall not be authorized so to assess the proprietors in any street, for making

Proviso.

making such common sewers, unless the majority of the proprietors in such street shall have called for such assessment ;

30. For assessing, at the request of the majority of the citizens residing in any of the streets or public squares of the said Town, all the citizens residing in such street or public square, in any sums necessary to meet the expense of sweeping, watering and keeping clean such street or public square, and for removing the snow from any such street, lane or public place, such assessment being in proportion to the assessed value of their property ;

Sweeping and watering, &c.

31. To assess, over and above all other rates specially established by this Act, all the citizens of the said Town, to meet the expenses of any indemnity which the said Council might be obliged to pay to persons in the said Town, whose houses or buildings of any description might be destroyed or damaged by any riot or tumultuous assembly ; and if the said Council shall neglect or refuse within six months after such destruction or damages caused to any property in the said Town, to pay a reasonable indemnity to be established by arbitrators, if one of the parties shall so desire, then the said Council shall be liable to be sued for such damage in one of the Courts of Justice of this Province ;

Damages from riots and tumults.

32. To fix the place for the erection of any manufactories or machinery worked by steam in the said Town ;

Steam engines.

33. For establishing a Board of Health, and investing them with all the privileges, power and authority necessary for the fulfilment of the duties entrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases, or for making such regulations as such Board of Health shall deem necessary for preserving the citizens of the Town from any contagious diseases, or for diminishing the effects or the danger thereof.

Contagious diseases.

36. For the better protection of the lives and property of the inhabitants of the said Town, and for more effectually preventing accidents by fire, the said Council may make By-laws for the following purposes, that is to say :

Prevention of accidents by fire.

1. For regulating the construction, dimensions, height and elevation of chimneys above the roofs, or even in certain cases above the neighboring houses and buildings ; and at whose costs such chimneys shall be raised, and within what delay they shall be raised or repaired ;

Chimneys.

2. For defraying out of the funds of the said Town any expenses that the Council shall deem necessary to incur for the purchase of fire engines or apparatus of any kind to be used at fires, or for taking such means as shall appear to them most effective

Fire engines.

effective for preventing accidents by fire, or arresting the progress of fires ;

Thefts at fires.

3. For preventing thefts and depredations which may be committed at any fire in the said Town, and for punishing any person who shall resist or maltreat any member or officer of the said Council, in the execution of any duty assigned to him by the said Council under the authority of this section ;

Enquiring into causes of fires.

4. For establishing or authorizing and requiring to be established after each fire in the said Town, a judicial enquiry into the cause and origin of such fire, for which purpose the said Council or any Committee thereof, authorized to the effect aforesaid, may summon and compel the attendance of witnesses and examine them on oath, which oath shall be administered to them by any of the Members of the said Council or of such Committee ; and the said Council or Committee may also deliver over to be imprisoned in the common gaol of the district, any person against whom well grounded cause of suspicion may be found of his having maliciously originated the said fire ;

Sweeping of chimneys.

5. For regulating the manner in which and the periods of the year when chimneys shall be swept, and for granting licenses to such numbers of chimney sweeps as the said Council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said Town to allow their chimneys to be swept by such licensed chimney sweeps ; and for fixing the rates to be paid for sweeping chimneys, either to the Council or such licensed chimney sweeps ; and for imposing a penalty of not less than one dollar nor more than five dollars on all persons whose chimneys may have caught fire after any refusal to allow them to be swept, such penalty to be recovered before any Justice of the Peace of the said Town ; and whenever any chimney which shall have caught fire as aforesaid, shall be common to several houses, or be used by several families in the same house, the said Justice of the Peace shall have power to impose the above penalty in full on each house or family, or to divide the same among them in proportion to the degree of negligence shewn on proof before him ;

Ashes and quick lime.

6. For regulating the manner in which ashes or quick lime shall be kept in the said Town, and for preventing the inhabitants of the said Town from carrying fire in the streets without necessary precaution, from making a fire in any street, from going from their house to their yards and outbuildings and entering therein with lighted candles not enclosed in lanterns ; and generally for making such regulations as they may deem necessary for preventing or diminishing accidents by fire ;

Conduct at fires.

7. For regulating the conduct of all persons present at any fire in the said Town ; for obliging idle persons to assist in extinguishing

extinguishing the fire, or in saving effects which may be in danger, and for obliging all the inhabitants of the said Town to keep at all times upon and in their houses, ladders, fire-buckets, battering rams, and fire-hooks, in order the more easily to arrest the progress of fires ;

8. For defraying out of the funds of the said Town any expense which the said Council shall deem expedient to incur, in aiding or assisting any person in their employ, who shall have received any wound or contracted any severe disease at any fire in the said Town ; or in assisting or providing for the family of any person in their employ who shall perish at any fire ; or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful, or zealous at any fire in the said Town ;

Persons
wounded
at fires.

9. For vesting in such members of the Council or in the Fire Inspectors, or either of them, to be designated in such By-laws, the power of ordering to be demolished during any fire, any houses, buildings, out-houses or fences, which might serve as fuel to the fire and endanger the other property of the inhabitants of the said Town ;

Demolition of
buildings in
certain cases.

10. For appointing all such Officers as the said Council shall deem necessary for carrying into execution the By-laws to be passed by them in relation to accidents by fire ; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said Town ;

Appointment
of officers.

11. For authorizing such Officers as the Council shall think fit to appoint for that purpose, to visit and examine at suitable times and hours, both the inside and the outside of all houses and buildings of any description, within the said Town, for the purpose of ascertaining whether the rules and regulations passed by the said Council under the authority of this section are regularly observed, and for obliging all proprietors, possessors, or occupants of houses in the said Town, to admit such officers for the purposes aforesaid.

Authorizing
officers to visit
and inspect
buildings, &c.

37. 1. The Secretary-Treasurer, when he shall have completed his collection-roll, shall proceed to collect the rates therein mentioned, and for that purpose shall give or cause public notice to be given on the following Sunday, or on any subsequent Sunday, that the collection-roll is completed and deposited in his office, and that all persons therein mentioned, liable to the payment of assessments are required by him to pay the amount thereof at his office within the twenty days which follow the publication of the said notice ;

Duty of Secre-
tary-Treasurer
upon comple-
tion of collec-
tion-roll.

2. If, at the expiration of the said twenty days, there shall be any arrears of assessment, the Secretary-Treasurer shall leave at the ordinary place of residence or domicile of each person

Duty with
respect to
arrears.

person so in arrears, or serve on each person in arrears, personally, a statement of the total amount of assessments, due by such person in arrears, and at the same time, and by a notice annexed to the said statement, he shall demand the payment of the assessments therein mentioned, together with the expenses of the serving of the notice, according to such tariff as the Council shall have decided upon ;

Proceedings
in case of ne-
glect to pay.

3. If any person neglect to pay the amount of assessments imposed upon him for a period of fifteen days, after he shall have been requested to do so as aforesaid, the Secretary-Treasurer shall levy the said assessments with costs, by a warrant under the hand of the Mayor, authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all the goods and chattels in his possession, wherever they shall be found within the limits of the said Town, addressed to one of the sworn bailiffs for the district of Iberville, of the Superior Court of Lower Canada, who is hereby authorized to seize and sell the said goods and chattels in the ordinary manner ; and no claim founded on a right of ownership or privilege upon the same shall prevent the sale or the payment of the assessments and expenses out of the proceeds of such sale.

From what
parties taxes
may be re-
covered.

38. Every tax or assessment imposed by virtue of this Act, upon any property or house in the said Town, may be recovered either from the proprietor, tenant or occupier of such property or house ; and if such tenant or occupier be not bound by lease or other stipulation to pay such tax or assessment, such tenant and occupier may and shall be entitled to deduct the sum so paid by him out of the rent which he would have to pay for the possession of such property.

Case of ab-
sentee pro-
prietor of va-
cant property,
provided for.

39. In all cases where the persons who shall be rated in respect of any vacant ground or other real property within the Town, shall not reside within the said Town, and the rates and assessments payable in respect of such vacant ground or property, shall remain due and unpaid for the space of six years, then it shall be lawful for the said Town Council, after having obtained a judgment before the Circuit Court, in and for the District of Iberville, or any other Court of civil jurisdiction, to sell and dispose such property by public sale, or so much thereof as shall be judged sufficient for the payment of the sum due, with costs ; and the Sheriff of the District of Iberville is hereby authorized and required to advertise such sale to be made under the authority of this section, in a French newspaper, and in an English newspaper, published or circulated in the District of Iberville, and the said Sheriff is also required to employ, for the purpose of effecting such sale, a bailiff residing in the said Town of St. Johns, who shall be designated by the said Council ; Provided always, that all owners of property sold under the authority of this section, shall be allowed to resume

Proviso.

resume possession of the same, within the space of one year next after the date of such sale, on paying to the purchaser the full amount of the purchase money, with legal interest thereon, and any necessary outlay which may have been made on the said property by order of the said Council in virtue of this Act, on condition, however, that the said purchaser shall have kept the said property in the same state and condition in which it was at the time of the purchase, and shall not have damaged it or allowed it to deteriorate; together with the cost attendant upon such sale, with an additional five per centum (over and above the interest) on the purchase money and outlay as aforesaid; And provided also, that if after such sale of property belonging to persons residing out of the Town, any surplus shall remain over and above the sum due to the said Council, for assessment and costs, the said Sheriff shall pay over such surplus to the said Town Council, to whatever sum the same may amount, and the said surplus shall be deposited in the funds of the said Town, as a loan, at the rate of six per cent. until called for and claimed by the party to whom it shall belong, to whom the same shall be paid. Proviso.

40. The said Council shall have power to remit a portion or even the whole of the amount due for assessment to indigent parties assessed under this Act, in certain cases of fire, long illness, or any other cause which the said Council shall deem reasonable and sufficient. Assessment may be remitted in certain cases.

41. If any person shall transgress any order or regulation made by the said Town Council under the authority of this Act, such person shall, for every such offence, forfeit the sum specified in any such order, rule or regulation, with the costs to be allowed by the Justices of the Peace who shall try such offences in accordance with the tariff then in force for the fees of the officers of the said Justices of the Peace, and to be levied on the goods and chattels of the offender, and in default of such goods and chattels, the offender shall be liable to be committed to the Common Gaol of the District, for a term not exceeding one month, but which may be less in the discretion of the Court; and no person shall be deemed an incompetent witness upon any information under this Act, by reason of his being a resident of the said Town of St. Johns; Provided always, that the information and complaint for any breach of any order or regulation of the said Town Council shall be made within one month next after the time of the offence committed; And provided also, that no fine or penalty shall be inflicted for any such offence, which shall be less than one dollar nor more than twenty dollars, and that no imprisonment for any such offence shall, in any case, be more than one calendar month, and the costs of transport in effecting such imprisonment shall be borne by the said Town Council, and the said Council shall also have power to punish by forfeiture of their goods, articles and provisions, all persons exposing Penalties for infraction of By-laws.

Proviso.
Proviso.

exposing them for sale on the markets, in the streets of the said Town, and infringing at the same time the By-laws of the said Council as regards the weight and quality of such goods, articles and provisions.

Taxes and assessment shall be privileged debts.

42. All the debts hereafter due to the said Town Council for all taxes or assessments imposed upon moveable or immoveable property in the said Town, shall, by virtue of this Act, be privileged debts, and shall be paid in preference to all other debts, and the said Town Council shall, in all cases of distribution of moneys, collocated in preference to all other creditors; Provided always, that this privilege shall only apply to assessments due for six years, and no longer; And provided also, that this privilege shall have its full and complete effect without its being necessary to have recourse to registration.

Proviso.

Proviso.

To whom penalties, &c., shall be paid.

43. All the fines and penalties recovered under the provisions of this Act, shall be paid into the hands of the Treasurer of the said Town Council, and the proceeds of all licenses granted under this Act, shall form part of the public funds of the said Town, any law to the contrary notwithstanding.

By-laws, &c., to be published.

44. Before any By-law of the said Town Council shall have force or be binding, such By-law shall be published in the English and French languages in one or more newspapers published or circulating in the said Town, and any copy of any such newspaper containing any such By-law shall be *prima facie* evidence of such publication to all intents and purposes whatsoever.

Evidence of By-laws.

Council may effect loans.

45. It shall be lawful for the said Town Council, from time to time, to borrow divers sums of money for effecting improvements in the said Town, for the purpose of building one or more market houses, or for draining the streets, or for furnishing the said Town with water, and generally for such purposes as the said Council shall deem useful or necessary.

Duties of Council with respect to loans.

46. Whenever the said Council shall contract loans upon the credit of the said Town, they shall be bound and they are hereby required to provide immediately for the payment of the annual interest upon such loans, which annual interest shall not in any case exceed the legal rate of interest in this Province; and the said Council shall set aside a portion of their revenues for the payment of such interest; and the said Council shall also, whenever they shall contract a loan, provide out of their revenue for the establishment of a Sinking Fund, which Sinking Fund shall consist of a deposit made in a Savings' Bank, annually, and at the periods when the interest on the said loan shall be paid, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off; and the sum arising annually from the Sinking Fund shall remain deposited in such Savings' Bank, with the interest which may accrue thereon, until it shall be equal

Sinking Fund.

equal to the total amount of the capital to be paid off; Provided always, that when the interest and Sinking Fund united shall absorb one half of the annual revenues of the said Council, then and in such case, it shall not be lawful for the said Council to contract new loans, it being hereby intended that the said Council shall not be entitled to devote to the interest and Sinking Fund of their loans, any sum exceeding half of their revenues; And provided also, that it shall be lawful for the said Town Council, if the lender consent or require it, to deposit in the hands of such lenders instead of in a Savings' Bank, the annual sums which shall have been agreed upon to form the Sinking Fund; in which case the receipts given to the said Council shall be so drawn up as to define what amount shall have been paid on account of interest, and what amount shall have been paid into the Sinking Fund.

Proviso: in certain cases no new loan to be contracted.

Proviso.

47. It shall be lawful for any one of the members of the said Town Council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person whom he shall find disturbing the public peace within the said Town, and to confine him in the Common Gaol of the District, or other place of confinement, in order that such person may be secured until he can be brought before the Mayor, or a Justice of the Peace, to be dealt with according to law.

Members of Council may order arrest of disorderly persons.

48. It shall be lawful for any constable, during the term of his duty, to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the said Town, and also every person who shall be found sleeping in any field, vacant lot, highway, yard, or other place, or shall be found loitering and idling in any such place, and shall not give satisfactory reasons for his conduct; and every such constable shall deliver such person into the custody of the constable who shall have the charge of the prison, or any other place of detention, of the said Town, in order to the safe keeping of the said person, until he shall be brought before the Mayor or other Magistrate, to be dealt with according to law.

Powers of constables in certain cases.

49. Every person who shall assault, beat, or forcibly resist any constable or Peace officer appointed by virtue of this Act, and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, every such offender shall, upon conviction thereof before the Mayor or a Justice of the Peace, be liable to a fine of from four to forty dollars currency, and to imprisonment not exceeding two calendar months, notwithstanding any provisions of this Act to the contrary; Provided always, that it shall be lawful for the said Council or any other officer, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

Persons assaulting constables in the execution of their duty, how dealt with.

Proviso.

Properties
exempt from
taxation.

50. The following property shall be exempt from taxation in the Town of St. Johns :

1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, office or person in trust for the service of Her Majesty, Her Heirs and Successors ;

2. All Provincial property and buildings ;

3. Every place of public worship, presbytery and its dependencies, and every burying ground ;

4. Every public school house and the ground on which the same is constructed ;

5. Every educational establishment and the ground on which the same is constructed ;

6. All buildings, grounds and property occupied or possessed by hospitals or other charitable institutions ;

Proviso : exemption not to extend to Crown property leased to private parties.

7. Every Court House and District Gaol and the grounds attached thereto ; Provided always, that this exemption shall not extend to lots or to other buildings built upon lots leased or occupied by tenants under the Government or the Ordnance Department in the said Town ; but such lands belonging to the Government or to the Ordnance Department occupied by tenants, shall be valued and assessed in like manner as other real property in the said town, and such rates or assessment shall be paid by the said tenants or occupiers thereof.

Certificates for tavern licenses to be granted by Council only.

51. From and after the passing of this Act, the said Town Council shall alone be authorized to grant and deliver certificates for obtaining Tavern Licenses, any law, usage or custom to the contrary notwithstanding ; and such certificates shall be signed by the Mayor and the Secretary-Treasurer of the said Council, and sealed with the seal of the said Council.

Limitation of actions for things done under this Act.

52. If any action or suit shall be brought against any person for any matter or thing done by virtue or in pursuance of this Act, such action or suit shall be brought within four calendar months next after the fact committed, and not afterwards.

Encroachments on public streets or squares.

53. It shall be lawful for the said Town Council to order the Inspector of the said Town to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said Town, by means of houses, fences, buildings, or obstructions of any kind, to cause the removal of such encroachments or obstructions by giving to such persons a reasonable delay for the purpose, which delay shall be specified by

by the said Town Inspector in giving his notice ; and if such persons shall not have removed such encroachments or obstructions within the delay specified, the Council may order the said Inspector to remove such encroachments or obstructions, taking with him the assistance necessary for that purpose ; and the said Council may allow to the said Inspector his reasonable expenses and recover the same before any Court having competent jurisdiction, from any person making such encroachment or obstruction.

54. From and after the passing of this Act, every proprietor or agent who shall wilfully grant a certificate or receipt setting forth a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant who shall present to the assessors of the said Town such a receipt or certificate, falsely representing the value of the rent paid by such tenant, in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable on conviction thereof, before the Mayor or a Justice of the Peace, to a penalty of twenty dollars currency or less, or to imprisonment during one calendar month or less, according to the judgment of such Mayor or Justice of the Peace.

Penalty for granting false receipts for rent in order to lessen taxes.

55. It shall be lawful for the said Council, whenever any house shall encroach upon any of the streets or public squares of the said Town, to prevent the proprietor of such house from rebuilding on the site occupied by the demolished house, and it shall be lawful for the Council to purchase any part of such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of an indemnity therefor, and such indemnity shall be fixed by arbitrators appointed respectively by the said Council, and by the party they are desirous of dispossessing ; and the said arbitrators, in case of difference of opinion shall appoint a third ; and the said arbitrators, after having been sworn by a Justice of the Peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor ; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

Council may prevent re-erection of buildings in certain cases.

56. The said Council shall have full and unlimited power to purchase and acquire out of the revenues of the said Town, all such lots, lands and real property whatsoever within the said Town, as they shall deem necessary for the opening or enlargement of any street, public square or market-place, or for the erection of any public building, or generally for any object of public utility of whatsoever nature.

Council may acquire lands for certain purposes.

57. When the proprietor of a lot which the said Council shall be desirous of purchasing, for any object of public utility whatsoever, shall refuse to sell the same by private agreement,

Arbitration in cases of disagreement as to the value
or

of property
taken for city
purposes.

or in case such proprietor shall be absent from the Province, or in case such lot of land shall belong to infants, issue unborn, lunatics, idiots or *femes covert*, the said Council may apply to the Circuit Court of the District of Iberville, or to any other Court, for the appointment of an arbitrator by the said Court, to make, conjointly with the arbitrator appointed by the said Council, a valuation of such lot, with power to the said arbitrators, in case of a difference of opinion, to appoint a third; and when the said arbitrators shall have made their report to the said Council, at a regular meeting thereof, it shall be lawful for the said Council to acquire such lot on depositing the price at which it shall have been valued by the said arbitrators in the hands of the Prothonotary of the Superior Court in the District of Iberville, for the use of the person entitled thereto; and if no person entitled to such indemnity shall appear within six months after such amount shall have been deposited in the hands of such Prothonotary, to claim the sum so deposited, it shall then be lawful for the said Prothonotary, and he is hereby required to remit such sum to the Secretary-Treasurer of the said Council, to be deposited by him with the moneys of the said Town, and such sum shall bear interest at the rate of six per centum; and both the capital and the interest accruing thereon shall be payable by the said Council to any person entitled to receive the same, within three months after a formal notification to the Secretary-Treasurer of the said Town, to pay the same.

Penalties for
refusal to accept
office.

58. Every person who, being elected or appointed to any of the offices mentioned in the following list, shall refuse or neglect to accept such office, or to perform the duties of such office, during any portion of the period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list opposite the name or designation of such office, that is to say :

Mayor.

The office of Mayor, thirty dollars currency ;

Councillor.

The office of Councillor, twenty dollars currency ;

On Valuators
neglecting
their duties.

2. Whenever the valuator neglect to make the valuation which they are required to make under this Act, or neglect to draw up, sign and deliver the valuation-roll containing such valuation to the Secretary-Treasurer of the Council, within two months from the date of their appointment, every such valuator shall incur a penalty of two dollars currency for each day which shall elapse between the expiration of the said period of two months, and the day upon which such valuation-roll shall be so delivered, or upon which their successors in office shall be appointed ;

Penalties for
refusing to
perform
duties of office.

3. Every Member of Council, every Officer appointed by such Council, every Justice of the Peace and every other person who shall refuse or neglect to do any act, or perform any duty

duty required of, or imposed upon him by this Act, shall incur a penalty not exceeding twenty dollars, and not less than four dollars currency ;

4. Every person who shall vote at any election of Mayor or Councillors without having, at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty not exceeding twenty dollars currency ;

For voting without qualification.

5. Every inspector of roads who shall refuse or neglect to perform any duty assigned to him by this Act, or by the By-laws of the Council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar currency, unless some other and heavier penalty be by law imposed on him for such offence ;

On Inspectors of roads for neglect of duty.

6. Every person who shall hinder or prevent, or attempt to hinder or prevent, any officer of the Council in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, or by any By-law or order of the said Council, shall incur a penalty of twenty dollars currency for every such offence, over and above any damages which he may be liable to pay ;

Penalties for hindering officers in the performance of their duties.

7. Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document, required by this Act to be posted up at any public place, for the information of persons interested, shall incur a penalty of eight dollars for every such offence.

Persons defacing notices, &c.

59. All the penalties imposed by this Act, or by any By-law made by the Council, may be recovered before the Circuit Court of the District of Iberville, or before any Justice of the Peace residing in the said town ; all penalties and fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit, in accordance with the tariff of such Court.

Penalties, how to be recovered.

60. This Act shall be held and deemed to be a Public Act, and the Interpretation Act shall apply thereto.

Public Act.

C A P . C V I I .

An Act to revive and amend the Act intituled, *An Act to regulate the Common of Isle-du-Pads, in the County of Berthier.*

[Assented to 16th August, 1858.]

WHEREAS by an Act of the Legislature of the heretofore Province of Lower Canada, passed in the third year of the Reign of His late Majesty King William the Fourth, intituled,

Preamble.

3 W. 4, c. 33.

intituled, *An Act to regulate the Common of Isle-du-Pads, in the County of Berthier*, a corporation was established for regulating the affairs of the said Common, which said Act expired on the First day of May, one thousand eight hundred and forty-three, and the corporation in consequence dissolved; And whereas divers inhabitants of the Parish of La Visitation de l'Isle-du-Pads, in the Seigniorship of Chicot and Isle du Pads, interested in the said Common, have, by their petition to the Legislature, prayed that the said Act may be revived and amended, and it would be advantageous to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

First meeting for the election of a President and four Trustees.

1. Within six months after the passing of this Act, it shall be lawful for the inhabitants interested in the said Common of Isle-du-Pads to meet, after public notice of such meeting shall have been given by three or more of the parties interested in the said Common, and posted up and published during three consecutive Sundays at the doors of the Parish Churches of the said Parish of La Visitation de l'Isle-du-Pads and of the Parish of St. Cuthbert, at the issue of divine service in the morning, which said notice shall contain the place, day and hour of such meeting, for the purpose of electing, by the majority of the votes of the parties interested in the said Common then and there present, a President and four Trustees to manage the affairs of the said Common, and the said President and Trustees, so elected at the said first meeting, or at any other subsequent meeting in virtue of this Act, shall be, and they are hereby declared to be a corporation under the name of the *President and Trustees of the Common of Isle-du-Pads*, and under that name they shall have uninterrupted succession while this Act remains in force, and a common seal, and may sue and be sued in all Courts of Justice, and validly take all proceedings in relation to the execution of the duties imposed upon them by this Act.

Who shall preside at first meeting.

Proviso.

2. The said first meeting to be held in virtue of this Act and all other subsequent meetings in virtue of this Act shall be presided over by such persons present as the meeting may select, by the majority of the votes of the parties interested in the said Common, then and there present: Provided always, that if the said first meeting be not held at the place, day and hour appointed in the said notice for any reason whatsoever, another meeting of the parties interested may be called, presided over, held and conducted in the same manner and for the same purpose, either during the six or during the twelve months next after the passing of this Act; And provided also, that in case the election of the said President and Trustees, or of any one of them, be declared null by any competent judicial authority, it shall be lawful for the said parties interested in the said Common to meet again, after notice to that effect shall have been given in the form prescribed by the first section, for the purpose

of replacing the President or Trustees, or Trustee whose election shall have been annulled as aforesaid.

3. The President and Trustees, elected in virtue of this Act, shall remain in office for two years from the time of their election, and at the end of that time they shall be replaced by an equal number of persons to be selected at a meeting of the parties interested in the said Common from amongst the parties so interested; the said meeting shall be called by the retiring President by public notice, posted up and published in the manner provided in the first section of this Act.

Term of office of president and trustees.

4. The President and Trustees, or the majority of them, shall draw up and prepare such By-laws concerning the said Common as they shall think necessary; but such By-laws shall not take effect until they shall be approved by the Superior Court sitting for the district within which the said Parish of La Visitation de l'Isle-du-Pads shall at that time be included; the application for the ratification and homologation of the said By-laws shall be made to the said Court in the name of the said Corporation, after public notice duly given of such application, and posted and published at the doors of the parish churches of the said Parish of La Visitation de l'Isle-du-Pads and of the Parish of St. Cuthbert aforesaid, during the three Sundays preceding the day of such application, at the issue of divine service in the morning, setting forth the day on which the said By-laws are to be submitted to the Court for ratification, in order that any persons having a right so to do, may then and there submit to the said Court their reasons for opposing the homologation of the said By-laws; Provided always, that nothing contained in this Act shall be deemed to derogate from or prejudice the rights of the seignior of the said seigniory of Chicot and l'Isle du Pads.

President and trustees to make By-laws.

Proviso.

5. The President and Trustees, or a majority of them, may, in and by the said By-laws, impose such penalties not exceeding ten dollars currency, as they shall deem just and expedient against all parties contravening the said By-laws; such penalties may be sued for and recovered by summary process before one or more Justices of the Peace, in the said County of Berthier, in the name of the said Corporation, and shall be levied by a seizure and sale of the moveables of the offender and paid over to the President of the said Corporation, who shall apply the same for the use and benefit of the said Common, and in default of payment of the said penalty within the period prescribed, or of the sufficiency of moveable property to satisfy the said judgment, the said offender may be imprisoned for any period not exceeding one month.

Penalty for contravention of By-laws.

6. The said President and Trustees, in addition to the powers hereinbefore accorded to them, may proceed in law in the name of the said Corporation, before any Court of competent

Further powers of president and trustees.

competent jurisdiction, against any person or persons who shall encroach on the said Common, commit any act of violence therein, or who shall unlawfully claim the exercise of any right therein for the recovery of damages from such persons or for the disallowance of any right claimed by them within the said Common.

Assessment
for defraying
expenses of
management
of common.

7. Whenever it shall be necessary to incur expenses for the management, maintaining or improvement of the said Common, or for the doing of any act or thing, or the payment of any expenses in relation thereto, an estimate of such expenses shall be first drawn up by the said President and Trustees, or the majority of them; and they, or the majority of them, shall have power to impose and levy the amount of such estimate, and apportion the same among the proprietors or parties interested in the said Common in proportion to the rights or shares of each one therein; and in default of payment of any amount to be apportioned as aforesaid, the same shall be recoverable by summary process in the name of the President and Trustees of the said common before one or more Justices of the Peace within the said County of Berthier; and such Justice is hereby authorized to try, hear and determine and decide the said action, and issue execution against the goods and chattels of the defendant, for the payment of the amount of the judgment and costs of suit, and other subsequent costs; Provided always that such execution shall not issue before the expiration of eight days at least from the rendering of the judgment.

Exhibition of
titles to com-
mon.

8. Whenever it shall be necessary to ascertain the persons who have, or pretend to have, a right in the said Common, and the rights or shares which each one now holds or hereafter may hold, for the purpose of making any apportionment of the costs and expenses which may be now or hereafter incurred, as provided in the foregoing section, or for any other object, it shall be lawful for the said President and Trustees, or the majority of them, to require all such persons to produce and exhibit their respective titles to such rights or shares, or to make known his rights as aforesaid, at the time and place which they shall appoint, public notice having been given by them for that purpose, and posted up and published on the two consecutive Sundays preceding the day so appointed, at the doors of the Parish Churches of the said Parish of La Visitation de l'Isle-du-Pads, and of the Parish of St. Cuthbert aforesaid, at the issue of divine service in the morning; and if any person interested in the said Common shall refuse or neglect to produce and exhibit his titles at the time and place mentioned or to give information as to how and in what manner and under what title these rights or shares came into his possession, he shall incur a penalty of two dollars currency, and one shilling currency for each day on which he shall refuse or neglect so to do; the said penalties to be sued for and recovered by the

Penalty for
default.

the said President and Trustees in the manner prescribed in the fifth section of this Act.

9. If any person who shall be lawfully called upon to accept any office or perform any duty under this Act, shall refuse to accept such office or neglect to perform such duty, or shall in any manner contravene the provisions of this Act, he shall incur, for every such offence, whether of commission or omission, a penalty of eight dollars currency, which shall be recoverable by any person who shall prosecute, either in his own name or in the name of the said Corporation, in the manner prescribed in the fifth section of this Act, and one half of the said penalty shall belong to the prosecutor, and the other half to the Corporation, to be employed for the use and benefit of the said Common.

Penalty for refusal to accept office, &c.

10. In case of the death or absence for any period longer than twelve months from the County of Berthier, either of the President or of any of the Trustees, their office shall become vacant, and the President and remaining Trustees, or the remaining Trustees, as the case may be, shall select and appoint, by a vote of the majority, one from amongst the parties interested in the said Common, to replace the President or Trustee, as the case may be.

Vacancies by death or absence how filled up.

11. At each general election, the retiring President and Trustees shall, at the meeting called for the said election, and before the election of their successors, present a clear and detailed statement of their administration, showing the receipts and expenditure; and they shall hand over to their successors any balance remaining in their possession at that time, together with all books, titles, plans and papers whatsoever, having reference to the said Common, then in their possession, and if they fail to pay the said balance or to hand over the said books, titles, plans and papers, in the manner above mentioned, they shall be liable to a prosecution before any Court of competent jurisdiction, jointly and severally by the said President and Trustees, their successors, in the name of the Corporation, in order that judgment may be obtained compelling them to pay the said balance to the Corporation, together with costs, and interest, or to deliver up as above the said books, titles, plans and papers.

Statement of the accounts by retiring president and trustees.

12. This Act shall be deemed a Public Act, and shall be known and cited as *An Act to incorporate the Common of Isle-du-Pads.*

Public Act. Short Title.

CAP. CVIII.

An Act to incorporate the Village of Arthabaskaville,
in the County of Arthabaska.

[Assented to 16th August, 1858.]

Preamble.

18 V. c. 100.

WHEREAS during the year one thousand eight hundred and fifty-seven, application was duly made by the County Council of the County of Arthabaska, for the erection of the Village of Arthabaskaville in the said County, as hereinafter limited, into a Village under the "Lower Canada Municipal and Road Act of 1855," and the several Acts amending the same; And whereas, by reason of unforeseen delays the proclamation requisite to that end was not issued during the said year, and the erection of the said Village cannot therefore be made to take effect under the said Acts before the first day of January next; And whereas the inhabitants of the said Village, by petition to that end, have prayed for the passing of an Act to give effect thereto forthwith, and it is expedient to grant their request: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Arthabaska-
ville described
and incorpo-
rated as a
Village.

1. From and after the passing of this Act, the Village of Arthabaskaville, comprising all the land contained within the limits of the lots numbered three, four, five and six in the second, third and fourth ranges respectively, of the Township of Arthabaska, and bounded to the west by the first range of the said Township, to the east by the fifth range thereof, to the south by the lots numbered two of the said second, third and fourth ranges thereof, and to the north by the lots numbered seven of the said second, third and fourth ranges thereof, shall, for all purposes of the said "Lower Canada Municipal and Road Act of 1855," and of all Acts amending the same, be detached from the Parish of St. Christophe d'Arthabaska, and the inhabitants thereof shall be, and they are hereby constituted a corporation or body politic, under the name of "The Corporation of the Village of Arthabaskaville," for all purposes of the said Acts, and to all intents as if the erection of such Village had taken place in ordinary course under the provisions of the said Acts.

First meeting
for election of
Councillors.

2. Immediately after the passing of this Act, it shall be the duty of the senior Justice of the Peace residing within the said Village, or in his default, then of any other such Justice of the Peace, to appoint the time and place for the holding of the first election of a Municipal Council therefor, and to give due public notice thereof, and to preside thereat, with all the powers by the said Acts vested in the person presiding at any such election.

3. This Act shall in no wise discharge any land within the said Village, or any person from liability for any assessment or penalty imposed or incurred under the said Acts, within the said Parish of St. Christophe d'Arthabaska, before the passing hereof.

Act not to affect liability for assessments, &c.

4. This Act shall be deemed a Public Act.

Public Act.

C A P . C I X .

An Act to erect the Village known by the name of "Radnor Forges," into a separate Municipality under the name of "Fermont."

[Assented to 16th August, 1858.]

WHEREAS the Village known by the name of "Radnor Forges," situate in the Parish of St. Maurice, in the District of Three-Rivers, contains about four hundred inhabitants, and more than fifty occupied dwelling-houses, within a space less than thirty acres in extent, but cannot, under the present Municipal law, be erected into a distinct Municipality in consequence of the real property qualification required for members of Municipal Councils; And whereas the inhabitants of the said Village have, by their petition, prayed to be erected into a Village Municipality, and to be incorporated as the "Municipality of Fermont": Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. From and after the passing of this Act, the Village at present known by the name of "Radnor Forges," bounded as follows, that is to say: all the land contained within the limits of lots Numbers twenty, twenty-one and twenty-two, in the south-east concession of the range of Ste. Marguerite, in the Seigniorship of Cap de la Magdeleine, in the County of Champlain, and of lots eighteen, nineteen and twenty, in the north-west concession of the said range of Ste. Marguerite, in the said Seigniorship, containing in all three hundred and fifty acres, or thereabout, in superficies,—shall be called "Fermont," and shall, for all the purposes of the Lower Canada Municipal and Road Act of 1855, and of all Acts amending the said Act, and of all Acts which may hereafter be passed to amend and consolidate the said Act and the said Acts amending the same, be detached from the Parish and Municipality of St. Maurice, and shall be erected into a Village Municipality by the name of the "Municipality of Fermont;" And the inhabitants of the said Municipality are hereby constituted a body corporate and politic for all purposes whatsoever, by the name of the "Corporation of the Village of Fermont;" and the style and title to be used by the Council of the said Corporation in all its proceedings shall be, the "Municipal Council of Fermont."

Village of Fermont incorporated. Its boundaries.

Its corporate name and style.

Who may elect
and be elected.

2. The Electors, Mayor and Councillors, shall be the male inhabitants of the said Municipality, of the full age of twenty-one years, and proprietors of real estate within the limits of the said Municipality, of the value of twenty-five pounds currency at the least, or being occupants as tenants or otherwise of houses worth at the least a yearly rental of seven pounds ten shillings currency, any law to the contrary notwithstanding.

First meeting
of electors ;
how called and
held.

3. As soon as possible after the passing of this Act, the senior Justice of the Peace resident within the said Municipality, or if there be no such Justice of the Peace, the senior resident Militia Officer, shall issue a public notice to be read and posted up during eight days in the most public and frequented place within the said Municipality, calling upon the Municipal electors to assemble at the said place on the day appointed in the said notice, and at nine o'clock in the forenoon of the said day, in order then and there to elect seven Municipal Councillors to constitute the Municipal Council of the said Municipality, and he shall preside at the said election which shall be held under the provisions of the Lower Canada Municipal and Road Act of 1855.

Election of
Councillors.

4. If the party presiding at such meeting be or become himself a candidate, he may appoint any other Municipal elector to preside at such election.

If the party
calling the
meeting be a
candidate.

5. After the first election shall have been held in the manner above mentioned, all subsequent proceedings and elections shall take place in accordance with the provisions of the said Lower Canada Municipal and Road Act of 1855, and of all Acts amending the same now in force, and of all Acts which may hereafter come in force to amend or supersede the said Act.

Future elec-
tions to be
held as in
other places.

6. The said Municipal Council and the said Corporation of the Village of Fermont shall have all the powers, rights, privileges and advantages, and shall fulfil all the obligations and duties of a local Municipality under the provisions of the said Lower Canada Municipal and Road Act of 1855, and of any Acts now in force amending the same, or which may hereafter come in force amending or superseding the said Act, and of any other Acts now in force which may come in force hereafter, in the same manner as if the erection of the said Village of Fermont into a local and Village Municipality had taken place under the provisions of the said Lower Canada Municipal and Road Act of 1855, and of the Acts now so amending the same.

Powers and
duties of the
Municipal
Council of
Fermont.

7. As soon as the Municipal Council shall have been organized by the election of a Mayor and a Secretary-Treasurer, the Council may proceed to the appointment of three Assessors, who shall make an assessment of all the assessable property in the said Village, in the manner provided for in the Lower Canada Municipal and Road Act of 1855.

Appointment
of Assessors,
and making
assessment-
roll.

8. This Act shall be deemed a Public Act.

Public Act.

C A P . C X .

An Act to authorize the Senate of the University of Toronto to appropriate certain Lands for the purposes of a Park, and to include the same within the limits of the City of Toronto, and to extend the Police Regulations of the said City to the University Lands adjacent thereto.

[Assented to 16th August, 1858.]

WHEREAS the Chancellor, Vice-Chancellor and Members of the Senate of the University of Toronto, deem it expedient, with a view to the interests of the said University, to set apart a certain portion of the Lands now vested in Her Majesty on behalf of the said University, for the purposes of a Park ; And whereas the Mayor, Aldermen and Commonalty of the City of Toronto, have offered to put in order the said Park, take charge thereof and keep the same in order, in consideration that the same may be appropriated as a Public Park, to which the public generally shall have free access ; And whereas it is for the interests of the said University that such offer should be accepted, and that such appropriation should be sanctioned by Legislative enactment ; And whereas it is expedient that such Park should form part of the said City of Toronto, and that the other lands vested in Her Majesty as aforesaid, adjacent to the City of Toronto, should be subject to the Police Regulations of the said City : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The Bursar of the University of Toronto may demise at a nominal rent, for a period of nine hundred and ninety-nine years, to the Mayor, Aldermen and Commonalty of the City of Toronto, for the purposes of a Park, as well for the use of the Professors, Students and other Members of the University, as of the public generally, and for no other purpose whatsoever, so much of the land vested in Her Majesty as aforesaid, situate within or adjacent to the limits of the said City, as the said Chancellor, Vice-Chancellor and Members of the Senate of the said University may, by By-law approved of by the Governor in Council, set apart for such purposes, not exceeding in the whole fifty acres, in trust for the said purposes, and upon such terms and conditions as may have been heretofore or may hereafter be agreed upon between them.

University may lease to City, not exceeding 50 acres of land, adjacent to the City for a Park.

2. So long as the said lease shall remain in force, the land so demised shall be deemed to be and shall be taken to form a part of the said City of Toronto ; and the residue of the lands so vested in Her Majesty as aforesaid, adjacent to the said Park, shall be subject to all the Police Regulations of the said City of Toronto, and to all By-laws of the said City in that behalf.

Land so leased to be part of the City, and residue of the University lands adjacent to be subject to its Police Regulations and By-laws.

C A P . C X I .

An Act to provide for the selection of a County Town
for the County of Bruce.

[Assented to 16th August, 1858.]

Preamble.

19, 20 V. c 19.

WHEREAS by virtue of the Act passed in the session held in the nineteenth and twentieth years of Her Majesty's Reign, intituled, *An Act to separate the County of Bruce from the County of Huron*, and of the Act passed in the now last Session of Parliament to explain the Act above cited, the Governor in Council has, by proclamation dated the fifteenth day of June, one thousand eight hundred and fifty-seven, appointed the Town of Walkerton, to be the County Town of the said County of Bruce; And whereas the Provisional Council of the said County, by their Petition, have prayed, that an Act may be passed to enable the Municipal Electors of the said County of Bruce to select a County Town for the said County,—that six places may be submitted for the selection of the said Electors, namely, the Villages of Kincardine, Southampton, Walkerton, Paisley, Greenock, and Inverhuron, all in the said County, and that one of the above named places, which shall receive the greatest number of votes of the said Electors, may be the County Town; And whereas the Inhabitants of the said County have by their Petition prayed that an Act may be passed to avoid the said Proclamation, declaring the Village of Walkerton the County Town of the said County of Bruce, but that the selection of a County Town for the said County of Bruce shall be left to the decision of the Governor in Council,—and that each Town or Village in the said County desiring to do so, shall present to the Governor in Council its respective claims in writing, and that from among them a choice shall be made; And whereas the Provisional Council of the said County of Bruce have refused to pass a By-law to raise the necessary funds for the erection of the County Buildings, at Walkerton: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Proclamation
avoided.

1. The Proclamation of the Governor appointing Walkerton the County Town is hereby avoided.

Selection left
to Governor in
Council.

2. The selection of the County Town shall be left to the decision of the Governor in Council, and a new Proclamation shall issue appointing the County Town in accordance with such decision.

Claims of pla-
ces submitted.

3. Each place desiring to do so, shall present its claims in writing to the Governor in Council, before the first day of October next, and the choice shall be made from among such places.

4.

4. The Provisional Council of said County of Bruce, shall, before any action shall be taken by the Governor in Council, vote the necessary supplies for the said County Buildings, and pass a valid By-law for raising and applying the same. Provisional Council to vote supplies before the choice is made.
5. The decision of the Governor in Council shall be final. Decision to be final.
6. This Act shall be deemed a Public Act. Public Act.

C A P . C X I I .

An Act to limit the amount of Municipal Taxation on certain lands within the City of Hamilton.

[Assented to 16th August, 1858.]

WHEREAS the Honorable Malcolm Cameron, the owner in fee of lots numbers twenty and twenty-one in the second concession of the Township of Barton, in the County of Wentworth, hath by his petition to the Legislature represented, that when he purchased the said lots in the year one thousand eight hundred and forty-one, they were not included in the city (then the town) of Hamilton; that the said lots were separated from the rest of the city by a considerable tract of vacant ground, and by a wide and deep ravine; and that when the said Town was constituted a City in the year one thousand eight hundred and forty-six, he consented to have the said lots included within the City, in the hope that the said vacant ground would be built upon as part of the City, and that the said ravine would be bridged by the Corporation; but that this has not been done, and that the said vacant ground has not been built upon, but on the contrary a large portion thereof has been converted into a public Cemetery, and he finds it impossible to sell any part of the said lots for building purposes, and that they are completely cut off from the City, while they are nevertheless burthened with heavy taxes; for all which reasons he has prayed that he may be relieved as regards the amount of taxation upon the said lots for Municipal purposes; And whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Upon, from and after the first day of January next, and until the expiration of ten years from that day, no portion of the said lots, whether built upon or not, or whether otherwise improved or not, shall be assessed at a higher actual value than the rate of forty dollars per acre of actual value, or two dollars and forty cents of yearly value, and such assessed value shall be held to include the value of all buildings and other

The lands mentioned in the Preamble not to be assessed above a certain value, during ten years.

other improvements thereon, and the Municipal taxes shall be imposed and collected upon no greater value upon any portion of the said lots during the said period of ten years; any Act or Law to the contrary notwithstanding.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. CXIII.

An Act to change the limits of the Town of Collingwood.

[Assented to 16th August, 1858.]

Preamble.

WHEREAS the Municipal Council of the Town of Collingwood, and others, have, by their petitions, represented that certain farm lots in the Township of Nottawasaga, have been erroneously included within the limits of the said Town, to the great inconvenience of the inhabitants, and have prayed that the said lots may be withdrawn from and declared to be without the said limits: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain lands to be no longer within the Town.

1. The lots numbers forty-one and forty-two, in the tenth concession of the Township of Nottawasaga, shall hereafter be deemed to be without the limits of the Town of Collingwood, and within the limits of the said Township, and shall be free from all rates and taxes heretofore imposed or to be imposed on property in the said Town by the Corporation thereof, any thing in the Act passed in the twentieth year of Her Majesty's reign, intituled, *An Act to incorporate the Town of Collingwood*, to the contrary notwithstanding.

20 V. c. 96

Public Act.

2. This Act shall be deemed a Public Act.

CAP. CXIV.

An Act to legalize certain By-laws of the Municipality of Berlin, and for other purposes.

[Assented to 16th August, 1858.]

Preamble.

WHEREAS the President and Directors of the Preston and Berlin Railway Company have by their Petition prayed that an Act be passed to declare certain subscriptions by the Municipality of the village of Berlin, of stock in the said Preston and Berlin Railway Company, valid and binding in law, and to grant them relief as to certain irregularities in the By-laws authorizing the same; And whereas it appears that the municipality of the village of Berlin, did, through their governing body, agree to take stock in the said undertaking to the extent of ten thousand

thousand pounds, and that upon the faith of such agreement, contracts were given out for the construction of the said Railway, to be paid in part by the Debentures of the said municipality, and that a certain By-law (bearing date the second day of October, one thousand eight hundred and fifty-five, and numbered thirty-two) was passed and unanimously approved of by the rate-payers, for taking stock in the Company to the extent of five thousand pounds, and for issuing debentures in payment thereof, and that such stock was duly subscribed by the municipality, and debentures issued therefor as aforesaid; And that by a certain other By-law of the municipality (bearing date the twenty-eighth day of April, one thousand eight hundred and fifty-seven, and numbered forty-five) passed and unanimously approved of by the rate-payers, the Reeve of the said village was authorized to take five thousand pounds additional stock in the Company; and was required to issue debentures therefor, but which stock was not subscribed, nor the debentures issued therefor; And that afterwards it was discovered that the By-laws were defective, and the debentures which had been so issued were thereupon delivered to the municipality, for the purpose of amending the By-law, and issuing new debentures under such amended By-law; And further, that the rate-payers had refused to pass such amended By-law, and that the municipal council had thereupon refused to redeliver the said debentures, but had, contrary to justice and good faith, wrongfully defaced and destroyed the same, and refused to carry out their said engagement for the subscription of stock; And whereas upon the faith of such subscription and agreement, contracts were given out, and the said road constructed and opened for traffic on the second day of November, A. D., one thousand eight hundred and fifty-seven; and it would be manifestly unjust that the Company should be deprived of the payment on which they relied, and it is expedient therefore under all the circumstances to grant relief to the said Company: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said By-laws authorizing the said subscriptions shall be and are hereby declared to be good and valid in law, notwithstanding any defects; and the said municipal council shall be deemed to have legally subscribed for the five thousand pounds of stock authorized to be subscribed for by the first above mentioned of the said two By-laws, and are hereby declared to be stockholders in the said undertaking for the said five thousand pounds; but as to the other five thousand pounds of the said stock authorized to be subscribed for by the other of the said two By-laws, nothing herein contained shall at all affect any right or recourse whatsoever, either of the said Company or of the said Municipality in respect thereof, save only that the said municipality shall be precluded from asserting, setting up or pleading any illegality or informality which may at any time have existed in respect of such second By-law; Provided

The By-laws mentioned in the Preamble to be valid.

Council to be held to have subscribed for certain stock.

Proviso: as to the further

always,

stock alleged to have been subscribed for.

always, that any claim on the part of the said Company for the enforcement of any rights whereto they may pretend in respect of such other five thousand pounds of stock, or of the said second By-law, shall be set up and commenced within the period of three months after the passing of this Act, and the omission to set up and commence such claim as aforesaid within the said period of three months, shall operate as an acknowledgment that they have not any such claim, and they shall be wholly debarred thereafter from setting up, commencing and prosecuting any claim whatever in respect of such other five thousand pounds of stock, or of the said second By-law.

Stock may be paid for in debentures.

2. The said municipality of the village of Berlin shall nevertheless be at liberty to pay the amount of the said stock, or any portion thereof, in their debentures (with coupons attached) payable to the bearer at the end of twenty years, at the office of the Treasurer of the said village in Berlin, and not elsewhere, bearing interest at six per cent. per annum, payable half yearly; Provided the said municipality shall cause such debentures to be issued in due and binding form and delivered to the Secretary, or other Chief officer of the said Company, for the said first above mentioned five thousand pounds of stock within two months after the passing of this Act, and for the said other five thousand pounds within two months after the rendering of any judgment or decree to that effect which may be rendered by a competent Court for the enforcing of any claim which the said Company may have set up in the premises as aforesaid.

Proviso: Within what time they must be delivered.

If duly paid, Company to continue their Railway to their depot.

3. If the said ten thousand pounds of stock shall be paid up within the periods hereinbefore limited in that behalf, and if the Council of the said municipality shall, within two months after such payment, by a resolution, require the same, it shall be incumbent on the said Company, within a reasonable time thereafter, to cause their line of Railway to be continued to their depot to be established at or near the station of the Grand Trunk Railway.

Public Act.

4. This Act shall be deemed a Public Act.

C A P C X V .

An Act to annex certain lots in the Gore of Camden to the Townships of Euphemia and Dawn.

[Assented to 16th August, 1858.]

Preamble.

WHEREAS the Townships of Euphemia and Dawn, both in the County of Lambton, are, for a distance of about two miles, separated by a narrow strip of land, now forming part of the Gore of Camden in the County of Kent, and consisting of small broken lots of ground lying between the front line of

of Euphemia and the River Sydenham, which there forms the front line of Dawn, and great inconvenience is thereby occasioned to the inhabitants as well of the said strip of land as to those of the said Townships, and the village of Florence, which includes part of the said strip of land, lies partly in the Township of Camden and County of Kent, and partly in the Township of Euphemia and County of Lambton; And whereas the said inhabitants have prayed that the alterations hereinafter mentioned may be made: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Upon, from and after the first day of January, one thousand eight hundred and fifty-nine, lots sixteen, seventeen, eighteen and nineteen, in the said Gore of Camden, and so much of lot fifteen therein as lies to the northward of the division line between the Townships of Zone and Euphemia, prolonged westward to the River Sydenham, shall be annexed to and form part of the Township of Euphemia and County of Lambton; and lots twenty, twenty-one, twenty-two, twenty-three and twenty-four, in the said Gore of Camden, shall be annexed to and form part of the Township of Dawn and County of Lambton.

Part of the said Gore annexed to Euphemia and part to Dawn.

2. Nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the Municipality of the Gore of Camden, or by the Municipal Council of the County of Kent; but the said portions of the Gore of Camden, united by this Act to the Townships of Euphemia and Dawn, respectively, shall be liable to pay to the Treasurers of the Gore of Camden, and of the County of Kent respectively, in each and every year until such debts be fully discharged, the same amount as was collected within the same towards the payment of such debts for the year one thousand eight hundred and fifty-seven.

Act not to affect liability for debts.

3. The Clerk of the Township of Camden shall furnish to the Clerk of the said Township of Euphemia a copy of the Assessment-Roll of the Township of Camden for the present year one thousand eight hundred and fifty-eight, so far as the same contains the rateable property assessed, and the names of the owners thereof, within that part of the said Township which will be hereby annexed to the Township of Euphemia,—and to the Clerk of the Township of Dawn a copy of the said Assessment-Roll so far as it contains the rateable property assessed, and the names of the owners thereof, within that part of the said Township of Camden which will be hereby annexed to the Township of Dawn; and such copies shall be furnished on demand of the said Clerks of Euphemia and Dawn, respectively, at any time after the passing of this Act.

Certain portions of assessment-roll of Camden for 1858, to be furnished to Clerks of Euphemia and Dawn.

Act not to affect seats of Councillors.

4. Nothing in this Act shall affect the seat of any Municipal Councillor for the said Township of Camden, elected before the passing of this Act.

Public Act.

5. This Act shall be deemed a Public Act.

C A P . C X V I .

An Act to amend the Acts of Incorporation of the Great Western Railway Company.

[Assented to 16th August, 1858.]

Preamble.

12 V. c. 29.

WHEREAS the Great Western Railway Company have entered into arrangements with the Government of this Province for the repayment of the amount advanced to the Company under an Act of the Province of Canada, passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to provide for affording the Guarantee of the Province to the Bonds of Railway Companies on certain conditions, and for rendering assistance in the construction of the Halifax and Quebec Railway*; And whereas, to enable them to raise the funds required for this purpose, it is necessary that they should have the authority of Parliament to increase their Capital; And whereas it is desirable to regulate the terms under which such increase shall be effected; And whereas it is also desirable to make some further regulations in reference to the issue and rights of the Bonded Debt of the Company: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

£2,000,000 may be added to the capital of the Company, in new shares.

Proviso.

1. The Great Western Railway Company are hereby authorized to increase their capital stock to the extent of two million pounds currency, in addition to their present Capital, by creating an additional number of shares of such an amount each as the Directors of the Company from time to time may determine; Provided always, that such additional Share Capital shall be authorized at a meeting of the Shareholders to be called for that purpose, by the vote of two thirds of such Shareholders present at the meeting, either in person or by proxy.

Directors may issue the new shares in such manner as they think proper.

Any portion of them may be guaranteed

2. It shall be lawful for the Directors for the time being, and they are hereby authorized to issue and dispose of the said new shares from time to time, at such times and in such quantities thereof at a time, and at such place and places, and at such price and prices (as to premium or otherwise,) and in such manner and on such terms as to the time and mode of payment and otherwise, as to them shall seem most advisable; And if the Directors shall think it expedient, such new shares or any portion or portions of them may be issued with or under a guarantee, whereby the holders thereof shall be guaranteed and

and secured out of the general revenues of the Company, by way of preferred dividends, and in priority of the ordinary dividends of the Company, such rate of dividends (not exceeding seven pounds per centum per annum on the amount paid up upon such new shares) as the Directors shall fix and determine upon in respect thereto, before or at the time of issuing such new shares or any of them; but such preferred dividends shall nevertheless be subject and postponed to the payment of the interest on the ordinary or non-convertible Bonds, as well as the convertible bonds, made or to be made, and issued by the said Company under the stipulations and within the limits for the issue of Bonds as prescribed by this Act, until such bonds shall have been converted into stock; and such preferred or guaranteed dividends shall be paid and payable half-yearly, at the same time as herein provided for the payment of the ordinary dividends of the Company; Provided always, that the proprietors of any such new shares issued with or under such guarantee shall not be entitled to vote either in the election of Directors, or at general meetings, or otherwise howsoever, or be entitled to any profit or dividend, whether funded or divided, beyond the rate so guaranteed in respect of such new shares; and provided also, that the Directors shall not issue preference shares until the authority for the issue shall have been sanctioned by a two thirds vote of shareholders present by proxy or otherwise at a general meeting specially called for such purpose.

to produce 7 per cent. dividends.

But subject to the payment of the Company's bonds.

Proviso: such guaranteed shares not to confer votes.

3. And whereas it may be expedient to raise the amount of money required by a perpetual Debenture Stock; therefore, it shall be lawful, if the Directors think it advisable, to raise the money, or a portion of the sum required to pay off the Government Loan, by the issue of a perpetual Debenture Stock, to be treated and considered as a part of the regular debenture debts of the Company, as defined and regulated by this Act, such debentures not bearing a higher rate of interest than six per cent. per annum.

Money required to pay off the Government loan may be raised by issue of perpetual debenture stock.

4. And whereas the said Company have issued and may continue to issue their Bonds; And whereas the said Company have issued their Bonds to borrow money under the powers conferred upon them and may continue to issue the same whenever it may be by them deemed expedient to avail themselves of the power of borrowing money by such means; And whereas the power to issue such Bonds is at present unlimited, and it is expedient in consequence of the desire of the Shareholders, that such right with regard to their protection, should be limited: Therefore, it shall not be lawful for the said Company to borrow or raise money on their terminable Bonds to a greater extent than one half of their authorized Capital Stock, whether such Capital shall be in consolidated stock, ordinary shares or preference shares; And all Bonds issued or to be issued by the said Company under the corporate powers contained in this

Recital.

Power to borrow money limited.

Bonds to be a mortgage on this

the Railway, &c., and their order of priority.

Proviso: as to Government loan.

Words "Railway," &c., how to be construed as regards the G. W. R. Company.

Proviso.

All or any of the shares in the Company's stock may be consolidated into a general stock.

After such conversion, certain enactments to have no effect, and any amount of stock to be transferable.

this or in any other Act conferring such powers upon them, shall be a first Mortgage and Lien upon the Railway, Tolls, Lands and other property of the Company which are hereby pledged and shall stand pledged for the due payment of the said Bonds and the interest thereon, now or hereafter to be issued as aforesaid, which said Bonds shall have priority of lien in accordance with the dates at which they shall become due; Provided always that nothing herein contained shall affect the priority of the Government Loan until the same shall have been paid and discharged.

5. The words "Railway," "Roadway," and "Railroad," in this Act, or in any other of the Statutes of this Province, or of the late Province of Upper Canada, now passed or hereafter to be passed, shall, as far as regards the Great Western Railway Company, include and be construed to cover all Viaducts, Bridges, Stations, Freight and Station Houses, Depots and other works, Machinery and the land covered by the same, Engines, Vessels, Carriages, Trucks and things of every kind which may be necessary or convenient to the making or using of any railway; Provided always, that nothing in this section contained shall be held to alter the present liability of the railway to taxation under the Assessment Laws of Upper Canada.

And with respect to the Consolidation of Shares into Stock, Be it enacted as follows:

6. It shall be lawful for the said Company from time to time, with the consent of three fifths of the votes of the Shareholders present in person or by proxy at any General Meeting of the Company, when due notice for that purpose shall have been given, to convert or consolidate all or any part of the ordinary or non-preferential Shares then existing in the Capital of the Company, and in respect whereof the whole money subscribed shall have been paid up, into a general Capital Stock to be divided amongst the Shareholders according to their respective interests therein.

7. After such conversion or consolidation shall have taken place, all the provisions contained in this or in any other Act relating to the incorporation of the Great Western Railway Company, which require or imply that the Capital of the Company shall be divided into shares of any fixed amount, and distinguished by numbers, shall, as to so much of the capital as shall have been so converted or consolidated into Stock, cease and be of no effect, and the several holders of such Stock may thenceforth transfer their respective interests therein, or any parts of such interests, in the same manner and subject to the same regulations and provisions as or according to which any Shares in the Capital of the Company might be transferred under the provisions of this Act or the General Acts incorporating the Company; and the Company shall cause an entry to be made in
some

some book to be kept for that purpose, of every such transfer ; and for every such entry they may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, a sum not exceeding two shillings and six pence.

Fees on transfer.

8. The Company shall from time to time cause the names of the several parties who may be interested in any such stock as aforesaid, with the amount of the interest therein possessed by them respectively, to be entered in a book to be kept for that purpose, and to be called *The Register of Holders of Consolidated Stock*, and such book shall be accessible at all reasonable times to the several holders of shares or stock in the undertaking, on a payment of a fee of two shillings and six pence.

Register of consolidated stock.

9. The several holders of such stock shall be entitled to participate in the dividends and profits of the Company, according to the amount of their respective interests in such stock, and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively, the same privileges and advantages for the purpose of voting at meetings of the Company, qualification for the office of Directors, and for other purposes, as would have been conferred by shares of equal amount in the capital of the Company, but so that none of such privileges or advantages, except in the participation of the dividends and profits of the Company, shall be conferred by any aliquot part of such amount of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages respectively.

Rights of holders of consolidated stock.

As to fractions of shares.

10. And whereas the said Railway Company have, in the exercise of their powers, acquired lands which are and may hereafter be unnecessary for them to hold : Therefore, it shall be lawful for them to sell and dispose of all such lands as they may now or hereafter deem superfluous, and upon payment to them of the purchase money agreed upon, they shall convey such lands to the purchasers thereof by Deed under their Common Seal, and a Deed so executed shall be effectual to vest the lands comprised therein in the purchaser of the said lands, as though he had acquired the same from the party or parties from whom the same had by the said Railway Company been obtained.

Recital.

Company may dispose of lands no longer needed by them.

11. And whereas the Great Western Railway Company, in order to form connections with Railways in the United States of America, has to lay down its rails out of the Province of Canada, and to provide facilities at stations and otherwise, for consolidating its traffic ; Therefore, the Great Western Railway Company shall have full power and authority to use its funds, by way of loan or otherwise, in providing proper connections, and in promoting its traffic with Railways in the United States of North America, provided that no such expenditure shall be incurred

Recital.

Company may use its funds on works in the United States.

incurred unless sanctioned by a vote to that end of two thirds of the shareholders voting in person or by proxy at a general meeting of the shareholders specially called for that purpose; Provided always, that the power hereby granted shall not be construed so as to prevent any other Railway Company from using its funds in providing the same connections, and promoting its traffic with Railways in the said United States; And provided also, that whenever any other Railway Company shall desire to make such connections, the said Great Western Railway Company shall be bound to assent to the same on equitable and reasonable terms; And provided further, that the loan of seven hundred and fifty thousand dollars already made by the said Company to the Detroit and Milwaukie Railway Company is hereby declared to be lawful.

Proviso.

Proviso.

Proviso.

Recital.

12. And whereas under the earlier Acts incorporating the Great Western Railway Company, an office for the Transfer of Stock was established in England in the City of London, and a section of the Board of Directors appointed there have exercised certain ministerial functions, parts of which said Acts have been repealed, and parts relating thereto are yet in force, and to make clear those portions of the Acts which are unrepealed; it is therefore declared and enacted, that the said Company has had and shall have full power and authority to establish and maintain an office in England, in the City of London, for the purpose of regulating and carrying on the business of issuing and transferring shares and bonds, and generally to do all matters and things that may be necessary or desirable in regard to the transferring of or arrangements connected with the capital of the Company held out of Canada, and that all such acts and proceedings shall be considered precisely the same as if carried on in the office of the Company in Canada.

The Company might and may transfer shares, &c., at their office in London, England.

Recital.

13. And whereas there is no express provision for the width of the arches of Bridges erected or to be erected, in the Acts incorporating the Great Western Railway Company, and it is proper to provide for the same as is required by the General Railway Clauses Consolidation Act; Therefore, the span of the arch of any Bridge hereafter to be erected or altered for carrying the Railway over or across any highway, shall at all times be and be continued of the open and clear breadth and space under such arch of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch, of not less than twelve feet, and the descent under any such bridge shall not exceed one foot in twenty feet.

Height and span of arches over highways.

Company may cut down trees standing near their road.

Proviso.

14. And for further assimilation to the Railway Clauses Consolidation Act, the Company shall have power and authority to fell or remove any trees standing in any woods, lands, or forests where the Railway shall pass, to the distance of six rods from either side thereof; Provided always that compensation be

be made for any damage or injury done to the owners of such trees, woods, lands or forests, to be ascertained and determined as damages to lands are now liable to be adjusted.

15. And whereas the Great Western Railway Company have, in the construction of their railway, encroached upon certain proposed streets or allowances for streets, or highways or roads, and not only such as known as original allowances, but which encroachments have been licensed by the respective parties in whom the title to the said streets was vested and by the Municipality within whose boundaries the said original allowances are situated; Therefore, all highways, roads or streets which have been occupied by the Great Western Railway Company, with the written assent of the Municipality within which the same are situated, shall be hereby declared vested in them to the extent of the user permitted or enforced by the said Municipality; and all proposed or contemplated streets occupied by the said Company, or which they have been permitted to occupy by the license of the owner in fee, and which shall not lead to any place beyond the said railway, shall be deemed closed, and the occupation by the said railway shall be and is hereby declared to be lawful; saving nevertheless, the civil rights and remedies of all parties who may have sustained or shall sustain any damage or injury by reason of obstruction or injury to any such highway; and nothing herein contained shall be construed to bar or prejudice any party or parties, in or from any remedy at law or in equity in the nature of a civil action or proceeding against the said Company, or other parties, for obstructing or injuring any such highway, but such civil actions and proceedings may be had, taken and prosecuted in the same manner and to the same extent as if this Act had not been passed, but not hereby giving any right which does not now exist; and provided that nothing herein contained shall affect the private rights, if any, of Charles Hunt, in the Village of Windsor.

Recital.

Occupation of roads, &c., by the Company, confirmed.

Saving of certain rights.

Proviso.

16. This Act shall be deemed a Public Act.

Public Act.

C A P . C X V I I .

An Act to amend the Acts relating to the Ontario, Simcoe and Huron Railroad Union Company, and to grant further facilities to the said Company.

[Assented to 16th August, 1858.]

WHEREAS it is expedient to alter the name of the Ontario, Simcoe and Huron Railroad Union Company, the mode of electing the Directors thereof, and to grant further powers and facilities to the Company to enable them to consolidate their debt and to complete the Railway and works in the manner and to the extent necessary to ensure the full benefit

Preamble.

benefit to be derived from the undertaking : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Name of Company changed.

Proviso :

Change not to affect suits, &c.

1. The name of the Company shall be "The Northern Railway of Canada," and not "The Ontario, Simcoe and Huron Railroad Union Company;" Provided always that nothing herein contained shall be construed to make the said Corporation a new Corporation, or to make void or impair the effect of any proceeding, deed, instrument or writing in which the said Corporation shall be designated by its former name, but such proceeding, deed, instrument or writing shall and may hereafter be continued, construed and have effect as if the name hereby assigned to the Corporation had been assigned to it by the former Acts, and was inserted in such proceeding, deed, instrument or writing instead of the name therein used.

Present debentures to be called in and new ones issued: except as to those held by the Province.

2. It shall be lawful for the Company to call in any outstanding bonds of the said Company, exclusively of those granted to and now held by the Government of Canada, and in lieu thereof, to issue to the holders thereof other bonds of the said Company, which said bonds, together with all other bonds issued under this Act, shall be under the seal of the Company, signed by the President or other presiding officer and countersigned by the Secretary of the Company, payable at twenty years from the date thereof in sterling money or otherwise, and at such place or places in this Province or elsewhere as the said Directors shall think fit, and the same shall bear date the day of their execution, with interest after the rate of six per cent. per annum.

Company may borrow an additional sum of £200,000 sterling.

3. For the purpose of funding the present floating debt or liability of the Company, and to enable them to complete the extension of the works connected with the said Railway, and to put the same into efficient working order in all respects and with all necessary plant and appliances thereof, it shall be lawful for the said Company to make another and further issue of six per cent. sterling bonds, not exceeding two hundred thousand pounds sterling, and to raise by way of Loan thereon, the amount thereof from any person or persons, bodies politic or corporate, willing to lend the same.

Register of consolidated bonds to be kept in Canada and in England, &c.

4. It shall be the duty of the Directors of the said Company to open at their office in Toronto, a Register of the holders of all new Bonds to be issued under the second section of this Act, and of all bonds issued by the Company after the passing of this Act, whether preferred or otherwise, and such Register shall contain the number of the said Bonds and the amount thereof, the names of the holders thereof, and the date of Registry; and the Directors shall appoint an Agent in the City of London, England, who shall open a similar Register there; and the said Directors and their said Agent in London, shall give

give notice to the said holders of the said Bonds to register the same, and such Register will be closed on the first day of January in each year; and immediately on the closing thereof, the said Agent shall transmit to the Secretary of the Company at Toronto, a certified copy of such Register.

5. The present Board of Directors shall continue to hold office until the next Annual General Meeting of the Shareholders, to be held on the third Wednesday of the month of February next ensuing the passing of this Act, and from and after the expiration of their said term of office, so much of the Act passed in the twelfth year of Her Majesty's Reign, chapter one hundred and ninety-six, or of any other Act or Acts, as relates to the manner and time of electing the Directors of the said Company, so far as the same conflicts with the provisions of this Act, is and shall be repealed: And the said Board of Directors shall thereafter consist of seven members to be elected by the Stockholders of the said Company, and four by the registered holders of the bonds of the said Company, which persons, together with the two Directors to be nominated by the Municipalities of the City of Toronto and the County of Simcoe, as provided by the Act passed in the twentieth year of Her Majesty's Reign, chapter one hundred and forty-three, shall form the said Board of Directors.

Present Directors to go out in February, 1859.

Constitution of the Board of Directors after that time.

6. On the said third Wednesday of the month of February next, and on the third Wednesday of the month of February in each succeeding year, an Annual General Meeting of the Stockholders of the said Company for the transaction of the general business of the Company, and of the said Stockholders and registered holders of the bonds of the said Company, for the election of Directors in the room of those whose office may at that time become vacant, shall be held at the office of the said Company in the City of Toronto, and at such meeting the Stockholders, Shareholders or proprietors of stock assembled, with such proxies as shall be present, shall choose seven persons, being each a Shareholder or proprietor of stock of not less than twenty shares of the Capital Stock of the said Company, and the said registered holders of the bonds of the said Company assembled, with such proxies as shall be present, shall choose four persons, being each a proprietor of not less than one hundred pounds sterling in the Capital Stock or bonds of the said Company, who, together with the two persons to be nominated by the Municipalities of the City of Toronto and the County of Simcoe, as by law provided, shall form the Board of Directors of the said Company; And the scale of votes for such election of Directors, so far as the stockholders or proprietors are concerned, shall be in the proportion now provided by law; and each holder of such bonds shall vote in the proportion of one vote for every one hundred pounds of bonds held by him.

Meeting for the election of the new Board of Directors.

Scale of voting.

Company may lease the Railway for fifteen years, by consent of a general meeting.

7. It shall be lawful for the said Company, to lease the said Railway for any term not exceeding fifteen years, to any person or persons, company or companies, upon such terms and conditions as to the Directors may seem meet; subject, however, to the approval of three fifths of the votes given by the shareholders present in person or by proxy at any special general meeting convened for the purpose, (notice of the object of such meeting having been given,) and subject also to the approval of the Governor in Council.

Public Act.

8. This Act shall be deemed a Public Act.

C A P. C X V I I I .

An Act to amend the Charters of the amalgamated Company heretofore intituled, *The Great South-Western Railway Company*, and to change its name to the "Niagara and Detroit Rivers Railway Company."

[Assented to 16th August, 1858.]

Preamble.

WHEREAS the Woodstock and Lake Erie Railway and Harbour Company, and the Amherstburgh and St. Thomas Railway Company, in pursuance of the powers contained in their respective Charters and amended Acts, and having complied with all the preliminary requisites by law required, have, by Deed dated on or about the eleventh day of February, one thousand eight hundred and fifty-eight, a copy of which Deed forms Schedule A of this Act, amalgamated and united together as one Company, under the name and style of "The Great South-Western Railway Company;" And whereas it is desirable to amend the Charters of the said amalgamated Companies: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Amalgamation Deed confirmed.

1. The said deed of amalgamation is hereby confirmed, except as hereinafter provided, and any clauses of the "Railway Clauses Consolidation Act" incorporated with the Amherstburgh and St. Thomas Railway Acts, and not in the Acts affecting the Woodstock and Lake Erie Railway and Harbour Company, shall not apply to the said amalgamated Company, except as herein provided.

May alter route crossing Grand River.

2. The said amalgamated Company may alter the projected line of their Railway, between the Town of Simcoe and the Niagara River at or near the Suspension Bridge, so as to cross the Grand River at such point or points as they may deem expedient; and all powers conferred by law on the said amalgamated Company for acquiring right of way and station or other grounds, shall apply to such altered route.

3.

3. The name and style of the said amalgamated Company shall, from and after the passing of this Act, be "The Niagara and Detroit Rivers Railway Company;" but no action, suit, liability or proceeding now pending or in force for or against the said Company, shall be affected by such change of name, but shall continue and proceed in the name and style given by this Act.

Name of Company changed to "The Niagara and Detroit Rivers Railway Company."

4. An election of Directors shall take place at noon in the Town Hall, in the Town of St. Thomas, in the County of Elgin, on the second Tuesday after the passing of this Act, and the Directors then elected shall hold office until the next annual election of Directors hereafter to be held on the first Tuesday in June, in each year, at the time and place aforesaid, or at such other place as the Directors shall by By-law from time to time direct and appoint; any thing in the said deed of amalgamation to the contrary notwithstanding.

Election of new Board of Directors.

Future elections.

5. If any Director cease to be qualified during his year of office, the other qualified Directors, or a majority of the quorum of the Board shall, at a meeting duly convened for that purpose, nominate some qualified stockholder to be a Director in his place, at a meeting called for that purpose.

Directors may fill up all vacancies in Board.

6. The capital stock of the amalgamated Company shall be Ten Millions of Dollars, divided into one hundred thousand shares, of one hundred dollars each; any thing in the said deed of amalgamation or otherwise to the contrary notwithstanding.

Capital \$10,000,000.

7. The amalgamated Company may require, should they deem it desirable, all parties subscribing for stock in the said Company, to pay a deposit of not more than ten per cent. thereon; the amount of such deposit shall be decided by the Board of Directors, and future calls for instalments shall at no one time exceed five per cent., nor shall more than one call be made within thirty days.

Directors may require deposit of 10 per cent.

Calls not to exceed 5 per cent. every 30 days.

8. The Company may raise by way of loan upon their bonds or debentures, in addition to their authorized share capital, any sum not exceeding one half of such capital, and such bonds or debentures may be for such amounts respectively as the said Company may deem expedient; and all bonds and debentures to be executed by the said Company, may be payable to bearer, and all such bonds, debentures or other securities of the said Company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof, for the time being, in their own names.

Power to raise money.

Bonds, &c., may be payable to bearer and transferable by delivery.

9. The Directors of the Company may, subject to the rules and regulations, from time to time, of the Board, appoint an agent

Directors may open an agent

cy in London in England for the transfer of shares, &c.

agent in the City of London in England, with power to pay dividends, to open and keep books of transfer for the shares of the Company, and for the issue of scrip and stock certificates, and thereupon shares may be transferred from the Canada office to the London office, in the names of the transferees, in the same manner as shares may be transferred in the former office, and vice versa ; and shares originally taken and subscribed for in Great Britain, may be entered upon the books at the London office, and scrip certificates be issued for them, and the agent or other officer shall transmit an accurate list of all such transfers and scrip certificates so issued to the Secretary or other officer of the Company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the Register kept in the Province ; and thereupon the same shall be binding on the Company as to all the rights and privileges of stockholders, as though the scrip certificates had been issued by the Secretary of the Company in this Province.

Aliens may be Directors.

10. Any stockholder in the said Company, whether a British subject or an alien, and although a resident elsewhere than in Canada, shall have the same rights and privileges in respect of voting on his stock, and of holding office in the said Company, and of being a Director thereof, as if resident in this Province.

Certain provisions of 14, 15 V. c. 51, incorporated with this Act.

11. The clauses of the " Railway Clauses Consolidation Act," as well as the several Acts amending the same, with respect to " General Meetings," and the first, second and third sub-sections of clauses intituled, " Shares and their transfer," and of " Shareholders," shall be incorporated with this Act.

Stockholders may vote by proxy.

12. A stockholder may appoint any person, being a stockholder, to vote and act for him or her, by proxy, at all special or general meetings of the Company, and for the election of Directors.

Directors may vote by proxies being Directors.

13. Any Director resident beyond the limits of the Province, may appoint another Director to be his proxy, and to vote for him at the Board, but no Director shall act as proxy for more than two other Directors. The appointment may be as follows, or to the like effect :

Form.

I appoint _____, of _____, Esquire, one of the Directors of the _____ Railway Company, to be my proxy as a Director of this Company, and as such proxy to vote for me at all meetings of the Directors of this Company, and generally to do all that I could myself do as such Director, if personally present at such meeting.

Dated this _____ day of _____, 185 .

(Signature,) _____ A. B.

14. When any share or dividend is claimed as transmitted by the death, bankruptcy, insolvency or marriage of a stockholder, or by any means other than the ordinary transfer between seller and purchaser, the transmission shall be authenticated by a declaration in writing, or in such other manner as the Directors may require : the declaration shall state the manner in which and the party to whom the share or dividend has been transmitted, and shall be made and signed by some credible person before a Mayor, Judge, Justice of the Peace, Master, or Master Extraordinary in Chancery, who shall endorse on or attach to the declaration, a certificate that the declaration was made and signed in his presence by the party therein named, and that such party was personally known to him, or that satisfactory evidence of the identity of such party has been given to him : the declaration and certificate shall be left with the Officer of the Company who has charge of such documents.

Proof to be given of any transmission of shares otherwise than by regular transfer.

How such proof may be made.

And further—Firstly. In case the transmission is by virtue of the marriage of a female stockholder, a copy of the register of the marriage, or a certificate of the Clergyman or functionary who celebrated the same, to the effect that the marriage was duly celebrated according to the laws of the place of celebration, and stating the time and place thereof, shall be left with the declaration.

Special proof on marriage of female stockholder.

Secondly. In case the transmission is through the bankruptcy or insolvency of a stockholder, a certificate of the Clerk of the proper Court of Bankruptcy or Insolvency, that the stockholder hath been adjudged bankrupt or insolvent, and that the party claiming the share or dividend is the legal assignee of the bankrupt or insolvent stockholder, shall be left with the declaration.

Special proof on bankruptcy or insolvency of stockholder.

Thirdly. In case the transmission is by any testamentary instrument or intestacy, the probate of the Will, or a true copy thereof, or an official extract therefrom, or the letters of administration, or a copy thereof, shall be left with the declaration.

Special proof of will, &c., of stockholder.

15. When the documents and instruments hereinbefore provided are produced, and left as aforesaid, the proper entries shall be made in the books of the Company, showing the title by the transmission of the claimant to the legal proprietorship of the share, or to the dividend, and until the entry has been so made, no claimant by transmission as aforesaid shall be deemed, so far as the Company is concerned, the proprietor of the share, or entitled to the dividend, or to vote or exercise the privileges of a proprietor in respect of the share ; but the Company shall not be bound to regard or see to the execution of any trust expressed, implied or constructive, to which the share or dividend is subject, nor shall any thing herein contained prevent the Directors from making Rules or By-laws

Entry of such proofs in books of Company.

Proviso.

respecting

respecting the management, transfer and disposition of the stock of the Company.

Company may unite or make traffic arrangements with other Companies.

16. The Company may unite or make traffic arrangements with any other Railway Company or Companies in this Province, or with the International, or any other Bridge Company, or may lease the Railway of any other Company, with the necessary conveniences for the purposes of such union, occupation or traffic arrangements, and the Board of Directors of such Railways, and the International or other Bridge Company may agree upon such union, lease or traffic arrangements, and grant facilities for the same, and in case of disagreement as to the amount of compensation to be made therefor, or as to the facilities to be granted under such traffic arrangements, union or lease, the same shall be determined by one or more arbitrators appointed on application of either Company, upon notice to the other, by a Judge of one of Her Majesty's Superior Courts of Upper Canada.

Terms of same may be determined by arbitration.

May construct a line to Fort Erie.

17. The Company may, after the commencement of the line to or near the Suspension Bridge, in the Town of Clifton, construct and work a Railway from any point on their line, in the Counties of Norfolk, Haldimand, Lincoln or Welland, to or near Fort Erie, in the last named County, and all the provisions of the Acts incorporating and relating to the Company, shall apply to such Railway, and the acquiring of land therefor, as effectually as if such Railway had been mentioned and described in such Acts; but the Company shall not work the said Branch Railway to or near Fort Erie, until after the completion of the main line to, or near the said Suspension Bridge.

Proviso.

May levy tolls subject to approval of Governor.

18. The Directors of the Company may, from time to time, subject to the approval of the Governor of this Province, regulate and fix the amount of tolls, rates, wharfage dues and charges to be paid for the use of such harbor or harbors, wharves, piers, warehouses or other erections.

Awards may be set aside.

19. Any award made as to lands required by the Company for their railway and station grounds may be set aside, and a new arbitration had, or referred back to the arbitrators, on application to the Court of Queen's Bench or Common Pleas; and in case of a new arbitration, the original arbitrators shall not be appointed, if either party object.

Company may desist from arbitration on payment of costs.

20. Any notice for lands given under this Act, or any other Act relating to the Company, may be desisted from, and new notice given with regard to the same or other lands, to the same or any other party; but in any such case the liability to the party first notified, for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist.

21. The original Charter of the Woodstock and Lake Erie Railway and Harbour Company shall be amended as follows: in the fifth line of section six, after the words "the owner or owners," and before the words "of such lands," the words "whether a body corporate or otherwise," and at the end of eighth line of said section, after the words "required by the said Company," and before the words "it shall and may be lawful," the words "by notice published four times in the *Canada Gazette*, and one paper in the County in which such lands are situated," shall be respectively inserted.

10 & 11 V. c. 117, s. 6, amended.

22. Whereas at the first meeting for the election of Directors of the Amherstburgh and St. Thomas Railway Company, held under an Act passed in the nineteenth and twentieth years of Her Majesty's Reign, intituled, *An Act to alter and amend the Charter of the Amherstburgh and St. Thomas Railway Company*, two Boards of Directors were elected by different parties claiming to be shareholders in the said Company; And whereas the Directors of one of the Boards so elected, subsequently set apart shares in the said Company to the amount of nineteen thousand seven hundred and forty shares of the value of four hundred and ninety-three thousand five hundred pounds, for the purpose of distribution among English capitalists; And whereas parties for whom such shares were so set apart have refused to accept the benefit of such appropriation, and thereupon the new shares so appropriated were resumed by the Directors of the said Board, by whom the same were so set apart, as part of the unsubscribed stock of the late Amherstburgh and St. Thomas Railway Company; And whereas doubts have arisen whether such resumption was effectual in law, and whether the said amount of shares now forms part of the unsubscribed capital of the said amalgamated Company, or whether any claims exist in favor of the said amalgamated Company against all or any of the parties to such appropriation; And whereas it is desirable to remove such doubts: Be it therefore enacted and declared, that the said nineteen thousand seven hundred and forty shares of the value of four hundred and ninety-three thousand five hundred pounds in the late Amherstburgh and St. Thomas Railway Company, so set apart and intended to be appropriated, now form part of the unsubscribed capital of the said amalgamated Company, and the claims of all parties thereto, and the demands of the said amalgamated Company against all parties in respect thereof, are hereby released, extinguished and discharged.

Recital as to certain stock of Amherstburgh and St. Thomas Railway Company.

19, 20 V. c. 113.

Said stock to form part of unsubscribed stock.

23. Whereas the interest of the amalgamated Company requires that the Directors elected under this Act, should be untrammelled by any previous engagements or contracts of the late Companies respectively: Be it therefore enacted, that all contracts, if any there be, heretofore entered into with any party or parties for the construction of the whole or any part of the line of railway by the recited Acts, or by this Act authorized

Recital.

Certain contracts declared void.

to be constructed, shall be and are hereby declared to be cancelled, null and of none effect, and the said amalgamated Company is hereby precluded from letting any contracts for the construction of any part of the line of the railway, until after the first election of Directors to be holden under this Act.

Company may amalgamate, &c., with Brantford and South-Western Railway Company.

Proviso.

May extend road to Grand Trunk Railway.

Commencement of the works.

Public Act.

Amalgamation deed, 11th February 1858.

Railways Union Act, 16 V. c. 39, s. 1, recited.

24. The said Company shall have power, and is authorized, in pursuance of any resolution to that effect, adopted at a special general meeting of the Shareholders, duly convened for that purpose, to amalgamate and unite with the Brantford and South-Western Railway Company, or to lease or buy their line of road and appurtenances, or any part thereof, upon such terms and conditions as may be agreed upon by the said Companies; which said amalgamation sale, lease or agreement, the said Brantford and South-Western Railway Company is hereby fully authorized to effect with this Company, upon resolutions to be adopted by a majority of their respective Shareholders, at a special general meeting to be convened for that purpose; Provided always, that all such rights, powers, terms and conditions as shall be set out in the deed of or agreement for such amalgamation, lease or purchase, shall alone be binding upon the Companies so amalgamating, leasing, purchasing or selling, and such amalgamation, purchasing or selling, shall not render either Company liable for any consideration, matter or thing beyond the said terms and conditions; and the said Company may extend their line of railway to some point on the Grand Trunk Railway, and all the provisions of the Acts incorporating and relating to the Company, shall apply as effectually as if such extension had been mentioned and described in such Acts.

25. The said Railway shall be commenced within one year, and completed within five years after the passing of this Act, and all clauses or parts of clauses in any former Acts relating to the amalgamated Companies which are inconsistent with the provisions of this Act, shall be and are hereby repealed.

26. This Act shall be deemed a Public Act.

SCHEDULE A.

THIS INDENTURE, made the Eleventh day of February, in the year of our Lord One Thousand Eight Hundred and Fifty-Eight, Between The Woodstock and Lake Erie Railway and Harbour Company, of the first part; and The Amherstburgh and St. Thomas Railway Company, of the second part:

Whereas, by the Act of the Parliament of this Province, passed in the sixteenth year of Her Majesty's Reign, entitled,

“An

“ An Act to empower any Railway Company whose Railway forms part of the Main Trunk Line of Railway throughout this Province, to unite with any other such Company, or purchase the property and rights of any such Company ; and to repeal certain Acts therein mentioned incorporating Railway Companies,” it was amongst other things enacted, that it should be lawful for any two or more of the Companies formed or to be thereafter formed, for the purpose of constructing any Railway, which should form part of the Main Trunk Line of Railway contemplated by the Legislature in passing the Act of the then last Session of the Provincial Parliament, entitled, “ An Act to make provision for the construction of a Main Trunk Line of Railway throughout the whole length of this Province,” to unite together as one Company, or for any one of such Companies to purchase and acquire the property and rights of any one or more of such Companies : And further, that it should be lawful for the Directors of any such Company as aforesaid, to agree with the Directors of any other such Company or Companies, that the Companies they respectively represent should be united as one Company, or that one of such Companies should purchase and acquire the property and rights, and take upon itself all the liabilities of the other or others ; and by such agreement to fix the terms upon which such union or such purchase should take place,—the rights which the Shareholders of each Company should possess after such union or purchase, the number of Directors of the Company after such union, and who should be such Directors until the then next election,—the period at which such next election should be held,—the number of votes which the Shareholders of either Company should respectively have thereat,—and the Corporate name of the Company after any such union,—the time when the agreement should take effect,—the By-laws which should apply to the united Company,—and generally to make all such conditions and stipulations touching the terms upon which such union or purchase should take place, as might be found necessary for determining the rights of the said Companies respectively, and of the Shareholders thereof, after any such union or purchase, and the mode in which the business of the Company should be managed and conducted after any such union ;

And whereas, by another Act of the Parliament of this Province, passed in the sixteenth year of Her Majesty’s Reign, entitled, “ An Act to extend the provisions of the Railway Companies Union Act to Companies whose Railways intersect the Main Trunk Line, or touch places which the said Line also touches,” it was amongst other things enacted, that the Act passed in the then present Session of the Parliament of this Province, and entitled, “ An Act to empower any Railway Company whose Railway forms part of the Main Trunk Line of Railway throughout this Province, to unite with any other such Company, or to purchase the property and rights of such Company ; and to repeal certain Acts therein mentioned, incorporating

14, 15 V. c. 73.

“incorporating Railway Companies,” and all the enactments and provisions therein contained, should extend and apply to and include any Railway Company whose Railway intersects the Main Trunk Line of Railway contemplated by the Legislature in passing the Act of the then last Session of the Provincial Parliament, entitled, “An Act to make provision for the construction of a Main Trunk Line of Railway throughout the whole length of this Province ;

14, 15 V. cc.
73, 74 referred
to.

And whereas, by the Acts of the Parliament of this Province, passed on the thirteenth day of August, one thousand eight hundred and fifty-one, chaptered respectively seventy-three and seventy-four, the Great Western Railway is declared to be and to form part of the said Main Trunk Line of Railway ; And whereas the Railways of the said Company, severally and both of them intersect the Great Western Railway, (being part of the said Main Trunk Line) and touch certain towns and places which the said part of the said Main Trunk Line also touches, that is to say, the Town of Woodstock, in the County of Oxford, and the Town of Windsor, in the County of Essex ;

19, 20 V. c.
113, referred
to.

And whereas, by another Act of the Parliament, passed on the first day of July, in the year of our Lord one thousand eight hundred and fifty-six, entitled, “An Act to amend and extend the Charter of the Amherstburgh and St. Thomas Railway Company,” it was amongst other things provided, that the said last mentioned Company was thereby empowered to unite with any other Railway Company whose Railway should intersect that of the said Company, or should touch a place which their road should also touch, and that to such union the provisions of the said Acts firstly and secondly above referred to should extend and apply ; And whereas the Railways of the said Companies, parties hereto, intersect each other at the Town of St. Thomas, and both touch that place ;

Woodstock and
Lake Erie
Railway and
Harbour Com-
pany Amend-
ment Act, 18
V. c. 179, s. 3,
recited.

And whereas, by the Statute of the said Parliament, passed in the eighteenth year of Her Majesty's Reign, entitled, “An Act to amend the Charter of the Woodstock and Lake Erie Railway and Harbour Company,” it was also enacted amongst other things, that the said Company should have power and was authorized in pursuance of any resolution to that effect adopted at a Special General Meeting of the Shareholders duly convened for that purpose, and by and with the consent of the Municipalities then or thereafter interested in the said Company as Bondholders or Shareholders, or a majority of them, signified by resolution to that effect, to amalgamate and unite with any other Railway Company in this Province, or to lease or sell their line of road or any portion thereof, and appurtenances, or the stock thereof, to any such other Railway Company, or to purchase, buy out, or lease any other such Railway Company, or the stock thereof, the whole upon such terms and conditions

as should be agreed upon, which said amalgamation, purchase, lease or agreement, such other Railway Company was thereby fully authorized to effect with the said Company upon a resolution to be adopted by the majority of the Shareholders of such other Railway Company at a Special General Meeting to be convened for that purpose, and upon the effecting of any such amalgamation, purchase, lease, or agreement, all the rights, privileges, and powers of the Company so amalgamated with, leased or purchased by the said the Woodstock and Lake Erie Railway and Harbour Company, or by such other Company so amalgamated with, leased or purchased, should be merged in the said the Woodstock and Lake Erie Railway and Harbour Company, or in such other Company, and should be held and applied by them the Woodstock and Lake Erie Railway and Harbour Company, in their own name or in the name of such other Company, as should be expressed in the Articles or Deed of amalgamation executed by the amalgamating Companies to all intents and purposes, as if the same had been granted originally to the said Company whose name shall be retained and expressed in such Articles of amalgamation, and in addition thereto ;

And whereas, by another Act of the Parliament of this Province, passed the nineteenth day of June, in the year of our Lord one thousand eight hundred and fifty-six, entitled, "An Act to amend the Act of Incorporation of the Woodstock and Lake Erie Railway and Harbour Company," it was further provided amongst other things, that if the said Company should amalgamate or unite with any other Company or Companies, as provided in the third Section of the said Act next hereinbefore mentioned, it should not be necessary to retain the name of either of such Companies, but the Companies so amalgamating or uniting might decide and agree upon such name for the amalgamated Companies as they shall please, and should specify or designate such name in the Deed of amalgamation or the agreement to amalgamate or unite, and after such amalgamation or union, such name should be the corporate name of the amalgamated Companies, and under such corporate name they should be invested with and might exercise and enjoy all the rights, powers, privileges, property, benefits and advantages, which otherwise would appertain to the amalgamating Companies, and to all and every of them if such amalgamation had not taken place ;

19 V. c. 74,
s. 4 recited.

And whereas, the several Municipalities of the Town of Woodstock, the Town of Simcoe, the Township of South Norwich, the Township of North Norwich, the Township of Windham, and the Township of Woodhouse, are respectively interested in the said the Woodstock and Lake Erie Railway and Harbour Company as Bondholders ; and the said Municipalities or a majority of them have, in the terms of the said Act of Parliament passed as aforesaid in the eighteenth year of Her

Certain Municipalities interested in the W & L. E. R. & H. C. as creditors.

A majority of whom have consented to amalgamation.

Majesty's

Majesty's Reign, entitled, "An Act to amend the Charter of the Woodstock and Lake Erie Railway and Harbour Company," consented that the said Company may amalgamate and unite with the said Amherstburgh and St. Thomas Railway Company, and after such amalgamation that the amalgamated Companies may amalgamate and unite with any other Railway Company, on the terms and conditions herein set forth ;

The W. & L. E. R. & H. Co. and the A. & S. Thos. R. Co. have agreed to amalgamate, &c.

And whereas, the said Companies, in pursuance of resolutions to that effect, adopted at Special General Meetings of the Shareholders of the said respective Companies, duly convened for that purpose, have determined and agreed, under and in pursuance of the authority in that behalf, conferred in and by the said several Acts of Parliament hereinbefore mentioned or referred to, and every of them, and of all other power and authority with which the said Companies are or may be invested for that purpose, that the said Companies should amalgamate and unite together under and in the name of "The Great South Western Railway Company," upon the terms and conditions (amongst others) hereafter more fully set forth, and have agreed and determined upon the said name of "The Great South Western Railway Company," as and for the Corporate name of the said Companies when amalgamated ;

By the corporate name of "The Great South-Western Railway Company," &c.

The two Companies now amalgamate and become "The Great South-western Railway Company."

Now this Indenture witnesseth, 1. That the said the Amherstburgh and St. Thomas Railway Company and the Woodstock and Lake Erie Railway and Harbour Company, in pursuance of resolutions to that effect adopted at Special General Meetings of the Shareholders of the said respective Companies duly convened for that purpose, and by and with the consent of the majority of the said Municipalities interested in the said the Woodstock and Lake Erie Railway and Harbour Company as Bondholders, (no other Municipalities being in any way interested in the said Company,) in consideration of the clauses, stipulations and agreements hereinafter contained, and under and in pursuance and in execution of the powers and authority in that behalf granted or conferred in and by the said several Acts of Parliament hereinbefore mentioned or referred to, and of all other powers and authority with which they are or may be invested for that purpose either by Act of Parliament or otherwise, do, and each of them with the other, doth hereby agree to amalgamate and unite together as one Company, (such amalgamation to take effect at the time hereinafter appointed and provided) under and by the name of "The Great South-Western Railway Company"; and they do hereby specify and designate the said name, to wit: "The Great South-Western Railway Company," as and for the Corporate name of the said amalgamated Companies; under which said Corporate name they are hereby invested with, and shall and may exercise and enjoy all the rights, powers, privileges, property, benefits and advantages which otherwise would appertain to the said amalgamating Companies, and to all

all and every of them, if such amalgamation had not taken place.

2. And whereas, the Capital Stock of each of the said Companies is one million currency; it is hereby declared, determined and agreed that the Capital Stock of the said amalgamated Companies, under the said Corporate name of "The Great South-Western Railway Company," shall be and is hereby fixed and settled at the sum of Two Million Pounds currency, being a sum equal to the combined capital of the said Companies before their amalgamation.

The Capital Stock of the amalgamated Companies settled, &c.

3. And whereas, the shares in the Capital Stock of both the said Companies before the said amalgamation, were twenty-five pounds currency each; and the several Shareholders in the said Companies, by the charters of the said respective Companies, and the several Acts of Parliament amending the same, were each entitled to one vote for each share; it is hereby further determined, declared and agreed that every person or party having stock in the said the Woodstock and Lake Erie Railway and Harbour Company, in shares of twenty-five pounds currency each, immediately before and at the time of said amalgamation, shall, immediately upon and after such amalgamation, be and become Shareholders of an equal number of Shares of the Capital Stock of the said amalgamated Companies; and on the application, in writing, of such person or party, the proper entries shall be made in the Stock Books or Share Registry of the said amalgamated Companies, showing such person or party to be the proprietor of the said Shares; and, on surrendering and yielding up to the Secretary or other proper Officer of the said amalgamated Companies, the Scrip (if any) formerly issued for such Stock or Shares, such person or party shall be entitled to receive the Scrip of such amalgamated Companies for such Stock; and that every person or party having Stock in the said Amherstburgh and St. Thomas Railway Company, immediately before and at the time of the said amalgamation, shall, immediately upon and after such amalgamation, be and become Shareholders in the Capital Stock of the said amalgamated Companies of the like number of shares so previously held in the said Company; and on application, in writing, of such party or person, the proper entries shall be made in the books of the said amalgamated Companies, showing such person or party to be the proprietor of such shares; and on surrendering and yielding up to the Secretary or other proper officer of the said amalgamated Company, the Scrip (if any) formerly issued for such Stock or Shares, such person or party shall be entitled to receive the Scrip of the said amalgamated Companies for the Stock or Shares to which he may then be entitled; so that the Shares in the Capital Stock of such amalgamated Companies shall be of one uniform amount, and each of such shares shall be of the amount of twenty-five pounds currency.

The shares in the amalgamating Companies, originally of different amounts, are now assimilated and settled at £25 each.

The number of votes on shares provided for.

4. And it is hereby further determined, declared and agreed, that each and every Shareholder of Stock in the said amalgamated Companies, shall be entitled as well in the Election of Directors as upon all other occasions, to one vote, and no more, for each full Share of twenty-five pounds currency held by such Shareholders, whereon ten pounds per centum shall have been paid up; and this provision shall apply as well to Stock or Shares to be subscribed after such amalgamation as aforesaid shall have been effected as to other Stock; Provided always, that notwithstanding anything herein contained, no Shareholder shall be entitled to vote on any Share in respect to which he shall be in arrear for calls made thereon; and if it shall happen that in converting the Stock or Shares held by any Shareholder before the said amalgamation, in either of the said Companies, into even Shares of twenty-five pounds currency each, in the Capital Stock of the said amalgamated Companies, there shall remain an integral sum or portion of such Stock of an amount under twenty-five pounds, the proprietor of such Stock shall be entitled to hold the same as an integral portion of a share, and to claim and receive proportionate dividends thereon; but such integral portion of a share shall not entitle the holder thereof to vote by reason or on account thereof, either in the election of Directors or otherwise.

Aliens may vote or hold office.

5. And it is hereby further determined, declared and agreed, that aliens as well as British subjects, and whether resident in this Province or elsewhere, may be Shareholders in the said amalgamated Companies; and all such Shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office in the said amalgamated Companies.

Number of Directors provided for, and the time of their election.

6. And it is hereby further determined, declared and agreed, that the number of the Directors for such amalgamated Companies (to be elected by the Shareholders) shall be thirteen, who shall elect yearly from amongst themselves a President and Vice-President; and that the Directors of such amalgamated Companies shall, at and after the expiration of the current year, be elected yearly, on the second Tuesday in July in each year, or at such other time and at such place as the Directors for the time being shall, by Resolutions or By-laws, from time to time, appoint or direct; and that the first Election of Directors for such amalgamated Companies (by the Shareholders), after the said amalgamation, shall take place on the second Tuesday in January, in the year of Our Lord one thousand eight hundred and fifty-nine, or at such other time as the Directors of such amalgamated Companies, by Resolution or By-law, shall appoint or direct: the current year herein mentioned being the period from the time this agreement is appointed to take effect until the second Tuesday in January, one thousand eight hundred and fifty-nine, inclusive; and the Directors for the time being of the said amalgamated Companies

are

are hereby invested with, and authorized and empowered, after the said amalgamation, to exercise as well in filling up vacancies in their Board and the making of By-laws as in all other matters and things whatsoever, all and every the powers and authority which the Board of Directors of either or both of the said Companies hereby agreeing to amalgamate might or could, before such amalgamation, lawfully exercise; and that in all things touching or concerning the Election of Directors for the said amalgamated Companies not herein provided for, the provisions of the original charter of the said the Amherstburgh and St. Thomas Railway Company, and of the several Acts altering or amending the same, shall govern and be in force.

7. And it is hereby further determined, declared and agreed, that for and during the current year from the time this agreement is appointed to take effect until the second Tuesday in January, one thousand eight hundred and fifty-nine, the following gentlemen shall be Directors of the amalgamated Companies, that is to say: John Mercer, of Chatham, James G. Wilson, of Simcoe, George McBeth, of London, M. P. P., Paul J. Salter, of Windsor, John Ferris, of Colchester, John Smith, of Dereham, Thomas Rae, of Hamilton, Joseph Berthelot, of Anderton, Andrew Thompson, of Woodhouse, Joseph Mercer, of Sandwich, Alexander McCleneghan, of Woodstock, John H. Cornell, of South Norwich, and Charles Baby, of Windsor; and that after this agreement shall be appointed to take effect, the qualification of a Director in the said amalgamated Companies shall be Stock held in said Companies by each Director to the amount of two hundred and fifty pounds at the least, on which ten per cent. at the least shall have been paid up; and that a quorum for the transaction of business shall consist of such number of the Directors as shall be fixed by resolution or By-law of the Board of the amalgamated Companies, and until the number for a quorum shall be so fixed, the quorum shall be composed of a majority of the Directors.

Who to be the Directors for the current year.

8. And it is hereby further determined, declared and agreed, that such of the By-laws of the said the Woodstock and Lake Erie Railway and Harbour Company as are not inconsistent with the provisions of this agreement, nor with the spirit and object of it, shall be in force and apply to the said amalgamated Companies; any or all of the said By-laws, however, may be repealed or altered, and other and different ones made, from time to time, by the Directors of the said amalgamated Companies.

What By-laws to be in force.

9. And it is hereby further determined, declared and agreed, that, immediately on this agreement taking effect, and the amalgamation herein contemplated or agreed upon being accomplished, the said amalgamated Companies shall, and hereby do, under and in the name of "The Great South-Western Railway

The amalgamated Companies assume the liabilities, &c., of each Company.

Railway Company," assume and undertake the performance, payment, and discharge of all the debts, contracts, engagements, and liabilities of both the said Companies hereby agreeing to amalgamate.

Each of the amalgamating Companies surrender and assign to the Great South-Western Railway Company their respective property, rights, &c.

10. And it is hereby further determined, declared, and agreed that, in consideration of the clauses, provisions, stipulations, and agreements herein contained, the said Companies hereby amalgamating or agreeing to amalgamate, do, and each of them doth hereby grant, bargain, sell, surrender, assign, transfer, and set over unto the said amalgamated Companies, by and in the corporate name of "The Great South-Western Railway Company," and their successors, all and singular the houses, lands, tenements, hereditaments, premises, railways, harbours, docks, channels, creeks, wharves, piers, buildings, erections, works, ways, waters, franchises, easements, rights, privileges, powers, advantages, goods, chattels, stock, credits, contracts, property, assets and effects whatsoever, which they the Woodstock and Lake Erie Railway and Harbour Company and the Amherstburgh and St. Thomas Railway Company respectively or either of them have, hold, claim, challenge, demand, exercise, use, occupy, possess, or enjoy, or are or may be entitled to: To have and to hold the same to the said amalgamated Companies, by and in the said corporate name of "The Great South-Western Railway Company," and their successors for ever, from and after the time herein appointed for this agreement to take effect; to be by them at all times thereafter, by and under the said corporate name, had, held, exercised, realized, dealt with, possessed, used, and enjoyed in as full and ample a manner as the said amalgamating Companies respectively, or either of them, could, might, or would be entitled to have, hold, exercise, realize, deal with, possess, use, or enjoy the same, or any part thereof, if the said amalgamation had not taken place or been concluded or agreed upon.

The road from Woodstock to Port Dover to be completed when main line pays eight per cent.

11. And it is hereby further determined, declared, and agreed, that the said amalgamated Companies shall assume and pay to the Provincial Government the amount of sums loaned by the Towns of Woodstock and Simcoe and the Townships of North and South Norwich, Windham and Woodhouse, and shall have power to postpone the construction of the Railway from Woodstock to Port Dover or any portion thereof until the completion of the main line and until it shall earn sufficient to pay eight per cent. over all expences.

The time fixed for this agreement to take effect.

12. And it is hereby further determined, declared, and agreed that (subject to the condition hereinafter contained) this agreement shall take effect, and the said amalgamation and union be and become complete, effectual, and perfected at one o'clock in the forenoon of the eighteenth day of March, in the year of Our Lord one thousand eight hundred and fifty-eight.

13. And it is hereby further determined, declared and agreed, that the head quarters and work shops of the said amalgamated company shall be permanently located at some point on the Detroit River at or near Windsor, in the County of Essex, said work shops being for the manufactory of passenger and other cars and of all rolling stock for said Company. Offices and work shops to be near Windsor.

In witness whereof, the said the Woodstock and Lake Erie Railway and Harbour Company and the Amherstburgh and St. Thomas Railway Company, have caused their respective Corporate Seals to be affixed hereto, the day and year first above written. Attestation.

Signed, sealed and delivered }
 in the presence of }
 Benj. VanNorman, }
 Francis R. Ball. }

Signed JOHN SMITH, Vice Predt.,
 W. & L. E. Rail. & Harb. Com.



Signed W. LYNN SMART, Secry.
 W. & L. E. Rail. & Harb. Com.

Signed JOHN MERCER, Predt.
 Amhst. and St. Thos. R. Com.



Signed C. F. ELIOT, Secry.,
 Amhst. and St. Thos. R. Com.

C A P . C X I X .

An Act to amend the Acts relating to the Cobourg and Peterborough Railway Company, and to grant further facilities to the said Company.

[Assented to 16th August, 1858.]

WHEREAS the Cobourg and Peterborough Railway Company, and the Town Council of the Town of Cobourg, have by their petitions represented the greatly embarrassed state of the said Company, and have prayed for power to the said Company to issue Preferential Bonds, and for such further and other relief as Parliament can grant; And whereas it is expedient to afford to the said Company the means of extricating itself from pressing difficulties, and for this purpose to alter the mode of election of the Directors of the Cobourg and Peterborough Railway Company, and to grant further Preamble.

further powers and facilities to the Company in relation to their bonded debt, and to enable them to complete their Railway and works, and no opposition appearing to the provisions hereinafter following: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Present Directors to retire; and Provisional Directors named.

1. The present Board of Directors shall retire from office immediately on the passing of this Act, and the following holders of Bonds of the said Company, namely, the Honorable John Hillyard Cameron, John Beverley Robinson, Roswell G. Benedict, William George Draper, Charles W. Heath, Charles Picerson, and Joseph A. Woodruff, Esquires, shall be and are hereby declared to be the Directors of the said Company, and shall remain and continue such Directors until the annual election of Directors in the year one thousand eight hundred and sixty, from which period the Board of Directors shall consist of seven members, four to be chosen by the Bondholders of the said Company, in manner hereinafter mentioned; and there shall be no Directors from any Municipality, *ex officio*.

How Directors shall be chosen in future.

Outstanding bonds to be called in, and new debentures issued instead.

2. It shall be the duty of the Directors to call in forthwith all the legally outstanding bonds of the said Company, and in lieu thereof to issue to the holders thereof in the manner and proportion hereinafter mentioned, other bonds to be issued under this Act, which said bonds shall be under the seal of the Company, signed by the President or other Presiding Officer, and countersigned by the Secretary, payable at twenty years from the date thereof in sterling or currency, and in such amounts, and at such places either within or without this Province, as the Directors shall think fit, and the said bonds shall bear interest at the rate of six per cent. per annum, payable half yearly: Provided always that the consent of three fourths of the Mortgage Bondholders of the Company shall be obtained thereto.

Proviso.

Company may borrow £125,000 *stg.* in addition.

3. For the purpose of enabling the said Company to put their railroad in efficient working order, with all necessary plant and appliances therefor, the said Company may issue bonds not exceeding the amount of one hundred and twenty-five thousand pounds sterling, such bonds to be made in the manner in the second section mentioned.

Bonds may be issued without preference, but bearing mortgage.
Proviso.

4. The Directors shall, in their discretion, have full power and authority to issue all of the said bonds without preference, stamping or marking such bonds "Mortgage Bonds," and such bonds shall be a first lien and charge on the said road, and all the property, real and personal, of the said Company; Provided always that any mortgage made by or existing against the real or personal estate of the Company, shall have the same priority as if this Act had not been passed.

5. The Directors shall and may negotiate one half of the said issue or of the said mortgage bonds, and the proceeds thereof shall be applied as follows:

Application of proceeds of one half of the said bonds.

Firstly.—To pay and reimburse Henry Covert any sum of money actually *bonâ fide* advanced or to be advanced by him for the permanent way across Rice Lake, and the expense of this Act;

Secondly.—Any sums of money similarly advanced for the said permanent way by the late Directors, or others or any of them, and certified by Walter Shanly, Esquire, or F. W. Cumberland, Esquire;

Thirdly.—Any sum of money required to finish the permanent road-way across Rice Lake, and for the purposes in the third section mentioned;

Fourthly.—To pay any moneys due and unpaid for the right of way of the said road;

Fifthly.—To pay *pro rata* any arrears of interest on the legally outstanding mortgage bonds, due before the passing of this Act.

6. The Directors shall exchange the other half of the said issue of the said bonds, with the holders of the first mortgage bonds of the said Company legally outstanding at the passing of this Act, in the proportion of sixty-two pounds ten shillings sterling of new bonds for each one hundred pounds sterling of the old bonds; and from the passing of this Act, until such old bonds shall be so exchanged, each old bond of one hundred pounds sterling shall stand as a charge against the said Company for the sum of sixty-two pounds ten shillings only.

Other half to be exchanged with holders of first mortgage bond; and in what proportion.

7. The Directors shall and may issue to the holders of such old bonds legally outstanding, but only on the exchange of such old bonds, new bonds to the extent of thirty-seven pounds ten shillings sterling for each old bond of one hundred pounds sterling, which issue of bonds in this clause shall be stamped or marked "Second Mortgage Bonds," shall be made in the manner in the second section of this Act mentioned, and shall be a lien and charge on the said railroad, and all the property, real and personal, of the said Company, next after the said bonds hereinbefore mentioned.

Remainder in second mortgage bonds.

8. As soon as the said new issue of bonds in this Act first mentioned is made, the mortgage given by the said Company, to William Proudfoot and Thomas G. Ridout, as Trustees to secure the payment of the issue of the old bonds, shall stand and be also security for the mortgage bonds to be issued under this Act.

A certain mortgage to stand as security for new bonds.

Proceeding to compel sale of Railway if bonds are not paid.

9. The holder of any mortgage bond, after default made in the payment of interest on any such bond for the period of six calendar months after any day when the same is by such bond or coupon attached thereto made payable, may proceed by any process in law or equity to compel the Directors to sell the said railway, and all the real and personal property of the Company, of what nature or kind soever.

Register of bond holders to be kept; and to what effect.

10. It shall be the duty of the Directors to open at their office, in Cobourg, a registry of the holders of the bonds issued under this Act, which shall contain the number of the bonds issued, the amounts, and date of registry, and they shall open a similar registry in England, with an agent whom they shall appoint there, and the Directors, or their said agent, shall give notice to the holders of the said bonds, to register the same for the purposes of election of Directors, as hereinafter mentioned, and a copy of such English register, certified by the oath or declaration of the said agent, before any person having legal authority to administer the same, shall be transmitted to the Directors, and entered in the registry at Cobourg, on or before the first day of January, one thousand eight hundred and sixty, and the first day of January in any succeeding year.

General meeting of bondholders and stockholders and election of Directors.

11. On the first Monday in February, one thousand eight hundred and sixty, and on the first Monday of February in any succeeding year, a general meeting of the bond and stockholders of the said Company, for the transaction of the general business of the Company, and for the election of directors, shall be held at the office of the Company in Cobourg; and at such meetings the stock, and the registered bondholders present, either in person or by attorney, shall choose seven persons, who shall be bondholders of the said Company, each holding bonds to the amount of five hundred pounds sterling, and the scale of votes of such registered bondholders and stockholders shall be to the amounts and in the proportions now allowed by law to the stockholders of the said Company.

Scale of votes.

Directors may sell the Railway or amalgamate with some other Company, not having interests hostile to Cobourg.

12. The directors of the Company, as soon as the Board of Railway Commissioners shall certify that the said road is finished in accordance with the third Section of this Act, shall have full power and authority, if to them it shall seem advisable, absolutely to sell and dispose of the said road and all the real and personal property of the said Company, with all the corporate rights and privileges thereof to the said Company in any way or manner belonging, which shall pass to and be vested in the assignees thereof,—to any municipal or other corporation, or any person or persons whomsoever, or to amalgamate with any other Railway Company not having any interests hostile to or conflicting with the interests of the Town of Cobourg, so that by such sale or amalgamation the holders of the old bonds of the said Company, legally outstanding, and of any mortgages, or other incumbrances duly registered against the

the said property, real or personal, of the said Company, shall be paid or secured for the payment of the interest and principal unpaid upon such bonds, mortgages, or other incumbrances in the order of their priority; and upon any sale or amalgamation under this Act, any purchaser shall have all the corporate rights, privileges and powers conferred by any Act of the Legislature upon the said Company. Provido. Provided always that the said chartered rights shall revert to the Company if after any sale the Company amalgamated with or the purchaser shall cease to run the said road by at least one daily train for passengers and freight from and to each terminus of the said Road.

13. The Directors may lease the said road and all the appurtenances thereto belonging to any person or persons, bodies politic or corporate, for any term of years, and on such conditions as they may deem advantageous. Directors may lease the Railway.

14. Any vacancy caused by the death, resignation or otherwise, of any of the Directors named in this Act, shall be filled up by the remaining Directors, regard being always had to the composition of the board in accordance with the eleventh section of this Act. Vacancies among Directors, how filled.

15. This Act shall be a Public Act, and any clause of the Act incorporating the said Company inconsistent with this Act, shall be and is hereby repealed. Public Act, &c.

C A P . C X X .

An Act to enable Municipalities holding stock in the London and Port Stanley Railway Company to have increased representation in the Direction of the said Company.

[Assented to 16th August, 1858.]

WHEREAS the construction of the London and Port Stanley Railway has been effected principally by means of the stock taken in the said Company by the Municipalities of the City of London, the County of Middlesex, the Town of St. Thomas, and the County of Elgin; And whereas it is desirable that Municipalities holding stock in the said Company should be represented in the direction of the Company in proportion to the amount of stock held: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. So long as two thirds of the stock in the said Company shall continue to be held by Municipalities, the number of Directors to be chosen annually by the shareholders of the said Company shall be three, and not nine as provided in the special Number of Directors reduced to three.

Act of Incorporation ; and such three Directors shall be appointed and hold office in the same manner and for the same term as Directors heretofore appointed in the Company.

Reeve of St. Thomas to be a Director conditionally.

2. So long as the Municipality of the Village of St. Thomas shall continue to hold five thousand pounds or upwards of stock in the said Company, the head of the said Municipality shall, *ex officio*, be one of the Directors of the said Company in addition to the other Directors thereof, and shall have the same rights, powers and duties, as any of the Directors of the Company.

Warden of Elgin to be a Director conditionally.

3. So long as the Municipality of the County of Elgin shall continue to hold stock to the amount of five thousand pounds or upwards in the said Company, the head of the said Municipality shall, *ex officio*, be one of the Directors of the said Company, in addition to the other Directors thereof, with the same rights, powers and duties.

Warden of Middlesex to be a Director conditionally.

4. So long as the Municipality of the County of Middlesex shall continue to hold stock to the amount of five thousand pounds or upwards in the said Company, the head of the said Municipality shall, *ex officio*, be one of the Directors thereof, with the same rights, powers and duties.

Mayor of London to be a Director conditionally with two others appointed by the City Council.

5. So long as the Municipality of the City of London shall continue to hold stock in the said Company to the amount of fifty thousand pounds or upwards, the said Municipality shall be entitled to be represented in the Board of Directors of the said Company by three Directors, the Mayor of the said City for the time being shall be and continue to be, *ex officio*, one of the Directors of the said Company, and the other two Directors from the said Municipality shall be appointed as hereinafter provided.

Two Directors to be appointed by the City Council.

6. It shall be the duty of the City Council of the City of London, immediately after the passing of this Act, and in each year after this present year, within one month after the Council shall have become duly organised, to appoint two of the members of the said Council other than the Mayor, as Directors of the said Company, who shall continue in office as such Directors during the residue of the term of office of the said members in the said City Council at the time of their appointment, and no longer, but may, in case of re-election as members of the Council, be eligible to be appointed as such Directors.

Appointment of successors of Directors dying or going out of the Council.

7. In case the Directors appointed by virtue of the sixth section, or either of them, shall die during their term of office as such Directors, the City Council may, from among the members of the said Council, appoint their successors, who shall hold office as Directors for the residue of the term of the person succeeded, and the Council may in the same manner appoint

appoint a successor to either or both of the Directors appointed by them, should such Directors cease to be members of the said Council from any cause whatever, after their election as such Directors and before the expiration of their term of office.

8. The Directors now constituting the Board of Direction of the said Company shall continue and hold office as such Directors until the first day of November, one thousand eight hundred and fifty-eight. When present Directors shall go out.

9. It shall be lawful for the Shareholders of the said Company, immediately after the passing of this Act, to call a general meeting of the Shareholders of the said Company for the purpose of electing three Directors in place of those whose term of office shall cease at the time mentioned in the eighth section. Election of new Directors by Shareholders.

10. Such general meeting shall be held after ten days' notice thereof to be given of the time and place of holding such meeting by the Secretary of the said Company, such notice to be published at least once in some newspaper published in the City of London, and also in some newspaper, if any, published in the Town of St. Thomas; and it shall be the duty of the said Secretary to call the said meeting for some day previous to the fifteenth day of September next, and in default thereof the head of any Municipality holding stock in the said Company may call the said meeting. Notice of general meeting for first election, &c.

11. All subsequent elections of Directors shall be held in the manner provided in the special Act of Incorporation. Subsequent elections.

12. This Act shall take effect, notwithstanding any thing to the contrary contained in any other Act or Acts of the Parliament of this Province; Provided always that inasmuch as the present Directors have incurred personal liabilities for the said Company for money borrowed for its use and otherwise, therefore the foregoing provisions shall have no effect unless and until the present Directors shall have been relieved from all personal liability whatever contracted by them as aforesaid. Inconsistent enactments superseded. Proviso.

13. This Act shall be deemed a Public Act. Public Act.

C A P . C X X I .

An Act to incorporate the Marmora and Belleville Railway Company.

[Assented to 16th August, 1858.]

WHEREAS certain persons have petitioned that an Act Preamble. may be passed, authorizing the construction of a Railway from the Marmora Iron Works, in the Township of Marmora, in the County of Hastings, to the shores of the Bay of Quinté, in

in the Town of Belleville, in the said County; And whereas such a Railway would greatly advance the interests not only of the County aforesaid, but of the country generally, by assisting to bring out and develop the mineral resources of the country, and render more available the lands opened for public settlement, in the rear of the said County of Hastings: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated

1. Nathaniel Stephen Appleby, of Shannonville; Francis McAnnany, Henry Corby, George Benjamin, Lewis Wallbridge, Henry Gillespie, George Neilson, Benjamin Fairfield Davy, Philip Hambly, John Bell, Charles Levisconte, John O'Hare, Robert Read, James Brown, William Hope, all of the Town of Belleville; Solomon Johns and Lauchlin Hughes, of the Township of Marmora; David B. Johns, James Cook, and William Baker, of the Township of Rawdon; Alfred F. Wood, John R. Ketcheson, and William H. Tumblety, of the Township of Madoc; Abraham L. Bogert, and Felix Gabourie, of the Township of Hungerford; Daniel Thompson, of the Township of Elzevir; James Archibald, James Hagerty, and Philip Ketcheson, of the Township of Huntingdon; Caleb Gilbert and George Taylor, of the Township of Sydney; David Clapp, Delu Ham, and Alexander Wilson, of the Township of Thurlow; George Gordon, of the Village of Trenton; Alexander McLean, of the Township of Tyendinaga, all of the County of Hastings; and Archibald John Macdonnell, George Cumming, and John Flanigan, of the City of Kingston, in the County of Frontenac, together with such other person or persons as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of the "Marmora and Belleville Railway Company."

Corporate name.

Certain clauses of 14, 15 V. c. 51, incorporated with this Act.

2. The several clauses of the Railway Clauses Consolidation Act, with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said last mentioned Act with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "Directors, their election and duties," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity," and "fines and penalties and their prosecution," "working of the Railway," and "general provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except only in so far as they may be inconsistent with the express enactments hercof; and the expression "this Act," when used herein, shall be understood to include the provisions of the Railway Clauses Consolidation Act which are incorporated with this Act and the several Acts amending the same.

3. The Company hereby incorporated and their servants and agents, shall have full power to lay out and construct a Railway from the Marmora Iron Works, in the Township of Marmora, in the County of Hastings, to the shores of the Bay of Quinté, in the Town of Belleville, in the County aforesaid, according to any line they shall select, as near as practicable to the line surveyed and laid down by Robert Lawder Innes, Esquire, civil engineer, with such deviation for the public accommodation as may be deemed advisable, with full power to pass over any portion of the county between the points aforesaid, and to carry the said Railway through the Crown lands lying between the points aforesaid, and shall be entitled to charge fares and freight for passengers and goods carried by the said Company.

Line of the
Railway.

Deviation.

Tolls, &c.

4. The capital of the Company hereby incorporated shall be six hundred thousand dollars, (with power to increase the same in the manner provided by the Railway Consolidation Act,) which said capital shall be raised in twelve thousand shares of fifty dollars each, and every such share shall entitle the proprietor, on every occasion when the votes of the shareholders are given, to one vote for every such share.

Capital Stock.

Shares.

Votes.

5. From and after the passing of this Act, the said Nathaniel Stephen Appleby, Robert Read, Charles Levisconte, James Brown, George Benjamin, George Neilson, Solomon Johns, John Bell, Lewis Wallbridge, John O'Hare, John R. Ketcheson, and Archibald John Macdonnell, shall be Provisional Directors of the said Company for carrying into effect the object and purposes of this Act.

Provisional
Directors ap-
pointed.

6. Deeds and conveyances under this Act for the Lands to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said lands or circumstances of the parties making such conveyance will admit, be made in the form given in the Schedule to this Act marked A; and the Registrar of the County of Hastings is hereby required to register in his registry books such deeds, on the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed, and the said Company shall pay the Registrar therefor two shillings and six pence, and no more.

Form of con-
veyances to
the Company.

7. It shall and may be lawful for the Provisional Directors for the time being of the said Company, or a majority of them, to supply the place or places of any of their number from time to time dying or declining to act as such Provisional Director or Directors, out of the several subscribers for stock in their said Railway to the amount of four hundred dollars each during the period of their continuance in office; And such Provisional Directors, except as hereinafter provided, shall be and they are hereby invested with all the powers, rights, privileges and indemnities,

Filling vacan-
cies among
the Provision-
al Directors.

Their powers.

indemnities, and they shall be and are hereby made subject unto the like restrictions as the elective Directors of the said Company, upon their being elected by the stockholders of the said Company, as hereinafter provided, would, under the provisions of the Railway Clauses Consolidation Act, and of this Act, become invested with or subject unto respectively.

First general meeting for the election of Directors.

8. When and so soon as shares to an amount equivalent to one hundred and fifty thousand dollars in the capital stock of the said Company shall be taken, and ten dollars per centum thereon shall have been paid into some one of the chartered Banks of this Province, and which said amount shall not be withdrawn from such Bank or otherwise applied except for the purposes of such Railway or upon the dissolution of the Company, it shall and may be lawful for the Provisional Directors of the said Company, for the time being, to call a meeting in the Town of Belleville, of the subscribers for stock therein, and who have paid ten per centum thereon as aforesaid, for the purpose of electing Directors of the said Company; Provided always, that if the said Provisional Directors shall neglect or omit to call such meeting, then the same may be called by any of the holders of shares in the said Company, holding among them not less than an amount equivalent to sixteen thousand dollars; and of any meeting so called by the Provisional Directors, or by the Shareholders as aforesaid, public notice shall be given in at least two newspapers published in the Town of Belleville, for one month immediately preceding the time of such meeting. And at such general meeting the shareholders assembled, with such proxies as shall be present, shall choose nine persons to be Directors of the said Company, being each a proprietor of shares therein to an amount not less than six hundred dollars, and shall also proceed to pass such Rules and Regulations and By-laws as shall seem to them fit, provided they be not inconsistent with this Act.

Proviso: if the Provisional Directors neglect to call it.

Notice.

Powers of such meetings.

Period of service of Directors, and yearly general meetings.

Special general meetings.

9. The Directors so appointed, or those appointed in their stead (at a meeting to be called for that purpose under the conditions aforesaid) in case of vacancy, shall remain in office for one year, or until such time as shall be provided for by the By-laws, and the Stockholders shall, yearly, in like manner, at such time and place as shall be provided for by the By-laws, meet and elect Directors in the room of those whose period of office shall have expired, and generally to transact the business of the Company; but if at any time it should appear to any ten or more of such Shareholders, holding together five hundred shares at least, that a special general meeting of the Shareholders is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof, in such newspapers as are hereinbefore provided, specifying in such notice the time and place and the reason and intention of such special meeting respectively, and the Shareholders are hereby authorized to meet pursuant to such notice

notice and proceed to the execution of the powers by this Act given to them, with respect to the matter so specified only ; and all such acts of the Shareholders, or the majority of them, at such special meetings assembled (such majority not having, either as principal or proxies, less than two hundred and fifty shares) shall be as valid to all intents and purposes as if the same were done at annual meetings.

Powers of such meetings.

10. It shall be lawful for the Directors of the said Company for the time being, to make, execute and deliver all such scrip and share certificates, and all such bonds, debentures, mortgages or other securities, as to the said Directors for the time being shall, from time to time seem most expedient for raising the necessary capital for the time being, authorized to be raised by the said Company, or for raising any part thereof ; Provided always, that the portion of the capital to be raised by bonds, debentures or mortgages, shall not exceed four hundred thousand dollars.

Directors to issue scrip, bonds, &c.

Proviso.

11. All bonds, debentures and other securities to be executed by the said Railway Company, may be payable to bearer, and all such bonds, debentures, or other securities of the said Company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being in their own names.

Bonds, &c., may be payable to bearer and transferable by delivery.

12. Any meetings of the Directors of the said Company, at which not less than five of such Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

Quorum of Directors.

13. Calls may be made by the Directors of the said Company for the time being : Provided that no call to be made upon the subscribers for stock in the said Railway Company, shall exceed the sum of ten dollars per centum upon the amount subscribed for by the respective shareholders in the said Company, and that the amount of any such calls in any one year shall not exceed fifty dollars per centum upon the stock so subscribed : Provided also, that upon the occasion of any person becoming a subscriber for stock in the said Company, it shall and may be lawful for the Provisional and other Directors of the said Company, for the time being, to demand and receive to and for the use of the said Company, the sum of ten dollars per centum upon the amount so by such person respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed, at the time of such person respectively subscribing for stock.

Calls.

Not to exceed a certain amount within a given time.

Proviso: ten per cent. may be paid on subscribing.

14. And whereas it may be necessary for the said Company to possess gravel pits, and lands containing deposits of gravel,

Recital.

Company may
acquire gravel
pits, &c.

gravel, as well as lands for stations and other purposes, at convenient places along the line of Railway, for constructing and keeping in repair, and for carrying on the business of the said Railway; And as such gravel pits and deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found; Therefore, it shall be lawful for the said Company, and they are hereby authorized, from time to time, to purchase, have, hold, take, receive, use and enjoy along the line of the said Railway or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty, or any person or persons, or bodies politic, to give, grant, sell or convey unto, and to the use of, or in any trust for the said Company, their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any of such lots or blocks of land, and from time to time, by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands not necessary to be retained for gravel pits, sidings, branches, wood yards, station grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage the said Railway, and other works connected therewith.

Commence-
ment and com-
pletion of the
Railway.

15. The said Railway shall be commenced within three years and completed within seven years after the passing of this Act, and unless commenced and completed within the said several periods, this Act shall be null and void.

Public Act.

16. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

SCHEDULE A.

Know all men, by these presents, that I
(*Insert the name of the wife also, if she is to release her dower,
or for any other reason to join in the conveyance*), do hereby, in
consideration of _____ paid to me (*or as the case may be*)
by the Marmora and Belleville Railway Company, the receipt
whereof is hereby acknowledged, grant, bargain, sell, convey
and confirm unto the said Marmora and Belleville Railway
Company, their successors and assigns for ever, all that certain
parcel or tract of land situate (*describe the land*), the same
having been selected and laid out by the said Company for the
purpose of their Railway, to have and to hold the said land and
premises, together with every thing appertaining thereto, unto
the said Marmora and Belleville Railway Company, their
successors and assigns for ever, (*if there be dower to be released,
add*);

add), and I (*the name of the wife*), hereby release my dower in the premises.

Witness my hand (*or our hands*) and seal (*or seals*) this day of _____, one thousand eight hundred and _____.

H. B. [L. S.]
C. D. [L. S.]

Signed, sealed and delivered }
in the presence of } E. F.

C A P . C X X I I .

An Act to incorporate the North-West Transportation, Navigation and Railway Company.

[Assented to 16th August, 1858.]

WHEREAS William H. Boulton, Thomas Clarkson, Allan Macdonell, John McMurrich, George Monro, Thomas Hutchinson, Esquires, and others, of the City of Toronto, have presented a Petition to the Legislature of this Province, praying that an Act might be passed to authorize them to establish communications within the Northern and the Western limits of Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. William Henry Boulton, Thomas Clarkson, Allan Macdonell, John McMurrich, George Monro, John Hutchinson, Esquires, and others, together with such person or persons as shall, under the provisions of this Act, become shareholders of the Company hereinafter mentioned, shall be, and are hereby ordained, constituted and declared to be a body corporate, in fact and in name by the name of the "North-West Transportation, Navigation and Railway Company," and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts of Law and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors shall and may have a common seal, and may change and alter the same at their will and pleasure ; and also, they and their successors, by the same name of the "North-West Transportation, Navigation and Railway Company," shall be in law capable of purchasing and holding to them and their successors, any personal estate or property whatever, and such real estate as may be necessary for their use and occupation, and for carrying into effect the powers hereby vested in them, and of letting, selling, conveying or otherwise departing therewith for the benefit and on the account

Company incorporated.

Corporate name.

General powers.

account of the said Company, from time to time, as they shall deem expedient or necessary.

Powers of Company to make Roads, Railways, Tramways, Canals.

To render navigable water courses or channels of water communication from one or more points on the shore of Lake Superior to the interior.

Proviso.

Proviso.

Authority to enter upon lands, being within the shores of Lake Superior and within the limits of Canada for purposes of survey.

Power to construct, acquire, charter and navigate steam vessels and other vessels within the limits of Canada, to the northward and the westward of Lake Superior.

2. It shall be lawful for the Governor in Council, upon the report of the Commissioner of Crown Lands, to authorize the said Company to enter upon any ungranted lands of the Crown, and to make and establish facilities for the purposes of transportation, traffic and trade; and for such purposes, to build roads, tramways, railways or canals between navigable waters, and to improve or render navigable water courses or channels of water communication, from any place or places on the Shores of Lake Superior, to any point in the interior, or between any navigable waters within the limits of Canada, and to build wharves, erect warehouses, stores and other buildings, or any other works wherever the same may be deemed expedient, and to sell or grant to the said Company the lands necessary for these purposes; Provided always, that the Company shall first lay before the Commissioner of Crown Lands detailed plans of any works so contemplated, to be submitted by the said Commissioner, with his report, for the information and approval of the Governor in Council, and shall not deviate from the said plans without being thereunto authorized by the Governor in Council; And provided further, that the Governor in Council shall only authorize such works in one single continuous line of communication extending westward from Lake Superior.

3. For the purposes aforesaid, the said Company, their deputies, servants, agents and workmen, are hereby authorized and empowered to enter into and upon any of the lands of the Queen's Most Excellent Majesty, of any other person or persons, bodies politic or corporate, or communities whatsoever, lying to the northward or the westward, or within the shores of Lake Superior, and being within the limits of Canada, and to survey and take levels of the same or any part thereof, and to set out or ascertain such parts thereof as they shall think necessary and proper for the making of roads, railways, tramways, canals, and the improving and rendering navigable water courses and channels of water communications, and so forth, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving and maintaining all and every the works contemplated by this Act; and it shall and may be lawful for the said Company to construct, acquire, charter, navigate and maintain boats, vessels and steam vessels, for carrying on trade and conveying goods and other traffic and passengers on Lakes Huron and Superior, and on the lakes and rivers lying to the northward and to the westward of Lake Superior, and being within the limits of Canada, and *vice versa*, and steam and other vessels for all business and purposes connected therewith, and the profitable prosecution thereof, and shall have power to buy and sell and trade, as may be deemed expedient, and

and to make contracts and agreements with any person or persons whatsoever, for the purposes aforesaid or otherwise, for the benefit of the Company.

4. The capital stock of the said Corporation shall be one hundred thousand pounds, and the same is hereby declared to be divided into twenty thousand shares of the value of five pounds each; and if the said sum of one hundred thousand pounds be found insufficient for the purposes of this Act, then and in such case it shall and may be lawful for the said Company, by a vote representing two thirds of the capital stock aforesaid, at any general meeting to be called for that purpose, to increase the capital stock of the Corporation, either by the addition of new subscribers to the said undertaking, or otherwise, to a sum not exceeding in all the sum of two hundred thousand pounds, and the capital so to be raised by the creation of new shares shall be in all respects part of the capital stock of the said corporation, and every holder of the new stock shall be a member of said corporation; Provided always, that if the construction of any greater length than five miles of Railway, between navigable waters, in any one place, shall be authorized by the Governor in Council, then the Capital Stock of the said Company may be further increased at the rate of seven thousand five hundred pounds for every additional mile of railway so to be constructed.

Capital Stock, £100,000, with power to increase the same.

Proviso.

5. No shareholder in the said corporation shall be in any manner liable to be charged with the payment of any debt or demand due by the said corporation, beyond the amount of his, her or their subscribed share or shares in the capital stock of said corporation.

Liability of Shareholders limited.

6. It shall not be lawful for the said Company to proceed with their operations under this Act, until fifty thousand pounds of the capital stock shall have been subscribed, and ten per centum shall have been paid thereon.

£50,000 to be subscribed before commencing, and 10 per cent. paid.

7. Any joint-stock company, community, or body corporate, may take shares in the said company.

Corporations, &c., may take shares.

8. For the management of the affairs of the said corporation, there shall be elected by the shareholders of the said corporation at a general meeting of them to be holden annually, ten directors, each one being a proprietor of not less than twenty shares of the capital stock of the corporation, the majority of whom shall elect from among themselves, a president and a vice-president, one of whom shall preside at the general board meetings and otherwise discharge the duties pertaining to such offices; and whenever a vacancy shall happen in the board of directors by death or resignation, or by reason of any director declining or neglecting to act for a period of three months after his election, such vacancy

Ten Directors to be elected yearly.

Vacancies, how filled.

vacancy may be filled up by the majority of directors for the time being, appointing some shareholder to supply the vacancy so accruing ; nevertheless, any acts done by the surviving directors or the majority of the acting directors without having the vacancy filled up, shall not be deemed invalid ; And six directors shall form a quorum of the board, and may exercise all the powers of the directors ; And the directors shall have power to dispose of such part of the stock of the said corporation as may remain to be disposed of, or may from time to time be added to or fall to the general stock either by forfeiture or otherwise, on such terms and conditions, and to such parties as they may think most likely to promote the interests of the said corporation ; And they shall have full power to make such calls for money from the several shareholders for the time being, as may be provided by any by-law, rule or regulation of the said corporation, and to sue for, recover and get in all calls whether already made or to be made by them, and to cause and declare the said shares to be forfeited to the company in case of non-payment, on such terms and in such way as shall be prescribed by any by-law of the company ; And to maintain an action for the recovery of calls, it shall be sufficient to prove by any one witness, that at the time of making such call the defendant was a shareholder in the number of shares alleged, and that the calls sued for were made and notice given in conformity with the by-laws of the said corporation, and it shall not be necessary to prove the appointment of directors nor any other matter whatsoever ; The said directors shall and may use and affix or cause to be used and affixed the common seal of the said corporation to any document which in their judgment may require the same, and any act or deed bearing such seal and signed by the president or the vice-president, and countersigned by the secretary, shall be held to be the act and deed of the corporation ; The president and vice-president and directors shall have power to appoint or discharge all and every officer and servant of the company, and to make by-laws for the government and control of the officers and servants of the company, and appointing the salary or allowance to be made to them respectively, and shall have power to make and frame all other by-laws, rules and regulations for the management of the affairs of the company in all its details and particulars, also for establishing the rule of voting for directors of the company, and the same also to change at any time, modify or repeal ; which by-laws, rules and regulations shall be submitted for approval, rejection or alteration by the shareholders at the next general meeting, or at a special meeting to be called by the said directors for such special purpose, and in conformity with any by-law providing for such special meeting ; and any copy of the by-laws of the said corporation, or of any of them, purporting to be under the hand of the clerk, secretary or other officer of the said company, and having the seal of the said corporation affixed to it, shall be received as *prima facie* evidence of such by-law in all Courts in this Province.

Quorum.

Powers of Directors.

Powers as to calls.

Affixing corporate seal.

President and Directors to make By-laws.

By-laws to be sanctioned by general meeting of Shareholders, or by a meeting called specially for that purpose.

9. The first general meeting of shareholders for the election of directors shall be holden at the office of said corporation, in the city of Toronto, on the first Monday in May, in the year of our Lord one thousand eight hundred and fifty-nine, and unless otherwise provided for by some by-law to be made and sanctioned by the corporation, the general meeting for the election of directors shall take place in each succeeding year thereafter, on the like day of the year and at the like place ; The directors so elected at such general meetings shall be elected to serve for the year then ensuing, and at the expiration thereof, each and every director may be re-elected by the shareholders ; and at all such general meetings the shareholders of the said company may vote by proxy, every such proxy being appointed by an instrument in writing under the hand of the shareholder appointing him.

The first general meeting of Shareholders.

Term of service.

Proxies.

10. Until such first general meeting as aforesaid, and election of directors, the directors of the said corporation are hereby declared to be Thomas Clarkson, Allan Macdonell, John McMurrich, George Monro, William McMaster, E. T. Richardson, Angus D. Macdonell, Thomas Dick, William McDonnell Dawson, J. Brown, Adam Wilson, Clark Ross, Jean Charles Chapais, George Honoré Simard, John McLeod and Ignace Gill, with power to add to their numbers until the first general meeting ; And they, or the survivors of them, shall be and are hereby constituted to be Directors of the said Corporation, and shall have and exercise all and every the powers, and shall be subject to all and every the clauses and conditions imposed on Directors to be chosen under this Act ; Provided that at the first meeting of the Directors to be holden after the passing of this Act, the said Directors shall choose and elect from among themselves a President, and a Vice-President. The said President, Vice-President and Directors shall have power and authority to establish for certain purposes, and have a place of business or office or offices, and appoint agents and offices in England and in the United States of America ; and to open books of subscription in all and every place of business so established, and to receive subscriptions for the stock of the said Corporation, transferable there respectively ; and to make all such instalments called thereon and dividends declared thereon, payable there respectively.

Provisional Directors of the Corporation.

To elect a President and a Vice-President.

Proviso.

Company may have officers in the United States, &c.

11. Any one of the Directors aforesaid may call a meeting for the election of President and Vice-President.

Meeting for election of President, &c.

12. The shares of the said Company shall and may be assignable by the delivery of the certificate to be issued to the holder of such share or shares respectively, and by assignment in some convenient form, and on conditions to be prescribed by any By-law of the said Corporation.

Shares to be transferable, and how.

If found necessary, Company may cut timber and procure stone, &c.

13. The Company may, if it be found necessary for the construction of any works or purposes connected with such works as are contemplated by this Act, cut timber, procure stone, fuel and other materials from any unsold lands of the Crown, lying beyond the limits of lands acquired by the Company, as hereinbefore provided, under such regulations as may be made by the Governor in Council.

Company authorized to exact tolls, &c.

14. The said roads, railways, tramways, canals and all improvements so made by the said Company, shall be of free access to all passengers, traffic and trade, upon payment of such tolls or charges thereon as shall be made in accordance with such regulations as may be made by the Company, with the approval of the Governor in Council, and such tolls and charges may be raised and altered at any time by the Governor in Council, and such tolls and charges shall be published at the expense of the Company ; And provided further, that the Government, if deemed expedient for public purposes, may take possession of all the works so constructed by the Company, excepting wharves or storehouses, upon repaying to the Company the sums of money expended thereon with interest at the rate of six per cent.

Proviso : Government may assume the works.

Failure of election not to dissolve corporation, &c.

15. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the Corporation hereby constituted shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be duly called by the President or Secretary for that purpose.

Period for commencing and completing the works.

Proviso.

16. The said Company shall commence operations and the survey and location of the line within two years, and shall execute and complete their works and improvements within eight years, after the passing of this Act ; Provided always, that nothing in this Act contained shall be held to prevent another Act or other Acts of incorporation being passed incorporating another Company or other Companies for similar purposes ; And provided also, that nothing in this Act shall be held or construed to give any exclusive right of trading, or to prevent any person to trade in the said territory, or to establish communications within the said northern and western limits of Canada.

Proviso.

Public Act.

***17.** This Act shall be deemed a Public Act.

CAP. CXXIII.

An Act to empower James Pearson to construct a Rail or Tramway to connect a Stone Quarry with the Grand Trunk Railway, near Georgetown.

[Assented to 16th August, 1858.]

WHEREAS James Pearson, of the City of Toronto, has, Preamble.
 by his petition, represented, that he is possessed of a valuable quarry containing freestone, flagging, lime and water-lime stone, about thirty-three miles from the City of Toronto, and situated in the Township of Esquesing, in the County of Halton, being part of lot number twenty-eight, in the tenth concession of that Township, but that the quarry is unavailable for marketable purposes for want of proper communication, and in his said petition he has prayed for the passing of an Act to enable him to construct a rail or tramway to connect the said lot with the Grand Trunk Railway, represented to be a distance of four and a half miles, and it is hereby expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said James Pearson, and his heirs and assigns, and his and their servants or agents, shall have full power under this Act, to lay out, construct, make and finish a double or single iron railway or a tramroad, and to take lands for that purpose, at his and their own costs and charges, to connect his stone quarry, situated on lot number twenty-eight, in the tenth concession of the Township of Esquesing, in the County of Halton, with the line of the Grand Trunk Railway, at or near the Town of Georgetown, in the said County of Halton, and to unite with the said railway at the point of intersection, as provided by the ninth section of the Railway Clauses Consolidation Act. Pearson empowered to make a certain Railway, &c.

2. The several clauses of the Railway Clauses Consolidation Act, with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the last mentioned Act with respect to "Interpretation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Actions for indemnity and fines and penalties, and their prosecution," and "Working of the Railway," and the several Acts amending the same, shall be incorporated with this Act, and shall apply to the said James Pearson, his heirs and assigns, and to the said railway or tramroad, except only in so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the provisions of the Railway Clauses Consolidation Act, and the said several Acts amending the same, which are incorporated with this Certain clauses of 14, 15 V. c. 51, incorporated with this Act.

Proviso.

Act as aforesaid. Provided always that the rights, powers and authorities given by the Railway Clauses Consolidation Act, with respect to lands and their valuation, shall not be exercised until the approval and consent of the Board of Railway Commissioners shall have been first obtained.

Commencement and completion of the work.

3. The said Railway or Tramroad shall be commenced within two years and completed within five years after the passing of this Act.

Public Act.

4. The Interpretation Act shall apply to this Act, which shall be deemed a Public Act.

C A P . C X X I V .

An Act to amend the Act to incorporate the International Bridge Company.

[Assented to 16th August, 1858.]

Preamble.

20 V. c. 227.

WHEREAS an Act was passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to incorporate the International Bridge Company*, which it is desirable to amend, and the Board of Provisional Directors have petitioned for an Act to amend the same : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Capital of the Company.

1. The Capital of the said Company shall be one million five hundred thousand dollars, divided into fifteen thousand shares of one hundred dollars each.

Tolls may be collected by the Company, but not to exceed certain rates.

2. Whenever the bridge authorized by the said Act shall be complete for the passage of ordinary trains and carriages, the said Company may erect toll-gates, fix and collect rates of toll, and make such erections as the Directors may deem expedient to guard the entrance to the said bridge, and prevent persons from entering upon or passing the same without paying such tolls ; but no greater tolls than the following shall be charged for entering upon or passing over the said bridge, that is to say :—For each foot passenger, twenty-five cents ; for each horse and rider, fifty cents ; for each horse and single carriage, sixty cents ; and an addition of eighteen cents and three-fourths of a cent for each passenger actually travelling in such carriage ; for each other passenger, the sum of twenty-five cents ; for each double carriage and two horses, one dollar, and eighteen cents and three-fourths of a cent for each passenger actually travelling therein, and twenty-five cents for each additional horse attached to such carriage ; for sheep, one and a half cent per head ; for swine, two cents each ; for neat cattle, six cents per head ; for each horse in droves or in cars, twelve cents and a half.

3. So much of the thirteenth section or of any other part of the said Act, as provides that the International Bridge Company shall keep steam-tugs for the purpose of towing vessels through the draws of the bridge, shall be and is hereby repealed.

Company need not keep steam-tugs.

4. The eighteenth section of the said Act shall be so amended as to read as follows:—"The said Company shall, before any steps are taken in erecting the piers of the said bridge, cause to be published three times in one of the public newspapers in each of the Counties of Lincoln, Welland and Brant, a notice, in which shall be stated the particular location of the said bridge with reference to known land-marks, the number of its piers, the length and breadth of its piers, and the distances between them, the width in the clear of the draw openings, respectively, the entire length of the bridge from land to land, and its height above the water at its ordinary state; and a copy of this notice, the facts of which shall be verified by the oath of the Engineer, signed by the President and Secretary of the Company, and acknowledged by them before a Magistrate or Notary Public, shall be filed in the offices of the respective Clerks of the Peace of the said hereinbefore mentioned Counties."

Section 18 of the said Act amended.

Notice to be given before the piers of the bridge are erected.

Copy of notice to be filed.

5. It shall be lawful for the said Company to enter into any agreement with the Mayor and Corporation of the City of Buffalo, in the United States of America, for the purpose of obtaining the aid of the Corporation of that City in the erection of the bridge; and for such purpose the said Company may accept any guarantee of interest upon their expenditure, or any loan of money or other pecuniary assistance which may be agreed upon by the said parties, and may give such security to the said Mayor and Corporation, as may be agreed upon between them.

Company may enter into agreement with the city of Buffalo.

6. The Directors of the said Company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession; and on payment of such back charges, shall have the same lien for the amount thereof, upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession; and shall and may have power to do all things whatever which may be requisite or necessary to carry out the objects of the Corporation.

Company to collect back charges on certain goods.

7. This Act shall be deemed a Public Act, and shall be construed as one Act with the Act amended by it.

Public Act.

C A P . C X X V .

An Act to amend the Act incorporating the Canadian Inland Steam Navigation Company.

[Assented to 16th August, 1858.]

Preamble.

WHEREAS the Canadian Inland Steam Navigation Company have by their petition represented, that the operations of the said Company will be promoted by amending their said Charter in certain respects, and it is desirable to accede to the prayer of the said Petitioners, as hereinafter provided : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Provisional Directors under 16 V. c. 169, to hold office until others are elected at an annual or special general meeting.

1. The Directors appointed by the said Act, intituled, *An Act to incorporate the Canadian Inland Steam Navigation Company*, shall hold office as such, and exercise all necessary and requisite powers in the conduct and management of the affairs of the said Company, until an annual general meeting of the shareholders of the said Company shall be duly holden, or until a special general meeting of the shareholders shall be convened and holden, for the purpose of electing successors to the said Directors, and successors shall be elected at such meeting or meetings ; and such special meeting may be convened by requisition of any three of the members of the said Corporation.

Provisional Directors to have the same powers as if elected, &c.

2. The Provisional Directors, until an election be holden, or the Directors elected at any special meeting of the shareholders as aforesaid, shall have and exercise the powers conferred by the said Act upon the Directors of the said Corporation, as fully as if elected at an annual meeting ; and the Directors to be elected at such special or annual meeting, shall continue in office until the appointment of their successors, as provided by the said Act.

Failure of election not to dissolve the Corporation, &c.

3. If at any time it shall happen that an election of Directors shall not be made on any day when, pursuant to the said Act or this Act, it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election in the same manner as the annual election of Directors is in the said Act provided for ; and the then Directors shall remain in office until such election is had in due course.

When the Company must commence the operations.

4. The said Company shall commence operations under the said Act and this Act, within five years from the passing of this Act, in default of which they shall forfeit and lose all the benefits, rights, privileges and advantages thereby and hereby conferred upon them.

C A P . C X X V I .

An Act to incorporate the River St. Clair and Two-Creeks Ship Canal Company.

[Assented to 16th August, 1858.]

WHEREAS C. Coatsworth, Leonard Wiggle, J. Wigfield and others, have, by their petition to the Legislature, prayed to be incorporated for the purposes of this Act : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The Honorable John Prince, Arthur Rankin, John McLeod, T. A. Stayner, T. C. Street, George S. Hayard, the Honorable Mr. Dickson, James Henderson, Alexander Cameron, A. P. Salter, Edwin Larwill, J. B. Williams, George Kirk, George Thomas, Theodore Malott, George Middleton, James Dougall, William Gaines, John Smith, C. Coatsworth, James Robinson, Isaac Russell, James Smith, J. Wigfield, Alexander McGregor, Joseph Marks, William Nicholson, Peter Desjardins, or either of them, together with all such persons (subjects of Her Majesty, or others) as shall become Stockholders of the Company hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and by the name of the "River St. Clair and Two-Creeks Ship Canal Company," and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever ; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure ; and also, they and their successors by the same name of the "River St. Clair and Two-Creeks Ship Canal Company," shall be in law capable of purchasing and holding to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, selling, conveying or otherwise departing therewith for the benefit and on the account of the said Company, from time to time, as they shall deem expedient or necessary.

Company incorporated.

Corporate name and general powers.

2. The Directors of the said Company shall have full power and authority to survey and explore the country lying between the waters of the said River St. Clair and Lake Erie, and to designate and establish, and for the said Company, to take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of an intended Canal, to commence at some point on the waters of the River St. Clair,

Line of the Canal, and power to explore, &c.

And to construct the necessary works.

Proviso : as to mill seats.

Proviso : as to additional supply of water by canal

Power to use water courses, &c., as feeders.

To make surveys and set out lands.

To take soil, clay, stone, &c.

Clair, and to connect the waters of the said River St. Clair with those of Lake Erie, at or near Two-Creeks, in the Township of Romney, in the County of Kent, and to build and erect the same with the necessary locks, dams, tow-paths, branches, feeders, basins and tram-ways, and also to select such sites for such warehouses and other erections as may be considered expedient by the said Directors, and to purchase and dispose of the same to and for the use and profit of the said Company ; Provided that nothing hereinbefore contained shall be construed to extend to compel the owners of any mill seat which shall be in existence before the construction of the said Canal, or any of its branches or feeders, to sell or convey the same to the said Company, unless the same shall be in the line of the said Canal, or that the possession of the same shall be necessary to the construction of the said Canal or any of its branches or feeders ; Provided also that the owner or owners of any mill seat or mill seats, using any additional supply of water brought thereto by the said Canal or its branches or feeders, shall pay a reasonable compensation therefor to the said Company, to be determined as hereinafter provided for determining any damage done to property by the said Company.

3. It shall and may be lawful for the said Company, and they are hereby authorized and empowered, from and after the passing of this Act, to supply the said Canal, whilst making, and when made, with water from all such brooks, springs, streams, water courses, lakes, hollows or repositories of water as shall be found in making the said Canal, or within the distance of two thousand yards of the same or any part thereof, or any reservoir or reservoirs to be made for the supplying of the said Canal with water ; and the said Company are hereby authorized and empowered to make all such reservoirs and such and so many feeders, branches, aqueducts, tunnels and channels in connection with and for the use of the said Canal, as to them shall seem necessary and proper : and for the purposes aforesaid, the said Company, their agents, servants and workmen are hereby authorized and empowered to enter upon and into the lands and grounds of or belonging to the Queen's Majesty, Her Heirs or Successors, or to any other person or persons, bodies corporate or politic, (except as hereinbefore mentioned,) and to survey and take lands of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for the making of the said Canal and its appurtenances, and for the completion of the said water connexion and navigation, according to the true intent and meaning of this Act, and all such other matters and conveniences as they shall think proper and necessary for making, preserving, improving, completing and using the said intended navigation, and also to bore, dig, trench, cut, remove, take, carry away, and lay soil, clay, stone, rubbish, trees, roots and stumps of trees, beds of gravel or sand, or any other matter or thing which may be dug or got in the making of the said

said Canal, or in deepening or improving the navigation of any river or rivers, lake or lakes in connexion with and forming part of the intended navigation, or out of any land of any person or persons adjoining or contiguous thereto, and which may be proper or convenient for carrying on the repairing of the said Canal or other the said works, or which may hinder or obstruct the making, completing and using the same, and the same to lay in or upon the boundaries of the said Canal, or the rivers and lakes forming portions of the said navigation, or in and upon the land of any person or persons adjoining thereto ; and also to make, build, erect and set up, in and upon the said Canal, and at the points of entrance to the same or any part thereof, or of the said intended navigation, or upon the land adjoining or near the same, such and so many wharves, quays, piers, landing places, bridges, tunnels, aqueducts, sluices, rivers, pens for water, tanks, reservoirs, drains, bridges and other ways, roads and works, as the said Company shall think requisite and convenient for the purposes of the said navigation ; and also, from time to time to alter, enlarge, amend and repair the said works or any of them, for conveying all manner of materials necessary for making, erecting, altering or repairing, widening or enlarging the said works or any part thereof, and also, to place, lay, work and manufacture the said materials, and erect such workshops, forges and other erections as they may deem necessary, upon the lands near to the said works ; and to make, maintain and alter any places or passages over, under or through the said Canal or any of its branches or connexions, or other part of the said intended navigation ; And also to make, purchase, set up and appoint such tug or tow-boats, barges, vessels or rafts, for the use of the said navigation, as they shall see fit ; also, to erect and keep in repair any piers, arches or other works, in, upon and across, any rivers, brooks or lakes, for making, using, maintaining and repairing the said Canal, and other the rivers and navigable waters, forming part of the said intended navigation, and the towing-paths and other conveniences connected therewith ; And also to construct, make and do all other works, matters and things whatsoever, which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said Canal and the said intended navigation in pursuance of and within the true meaning of this Act, they, the said Company, doing as little damage as may be in the execution of the powers hereby granted, and making satisfaction, in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of such lands, hereditaments and tenements.

To construct
wharves,
quays, and
other works.

To enlarge
and repair
works.

To own and
work tug-
boats, &c.

General pow-
ers of like
kind.

4. After any land or ground shall be set out and ascertained to be necessary for the purposes of the said navigation or other purposes herein mentioned, it shall be lawful for all owners, whether individuals or bodies corporate, politic, or trustees or lessees, or other party or parties holding any right, title, interest

Certain parties enabled to convey lands to the Company for their works.

or

or claim to any of such lands or grounds, to contract for, sell and convey to the said Company, all or any part of such land or ground which shall, from time to time, be set out and ascertained as aforesaid; and all such contracts, agreements, sales and conveyances shall be valid and effectual in law, to all intents and purposes, notwithstanding any law, statute or usage to the contrary, and the amount of the purchase moneys to be paid for such lands or grounds respectively, shall be ascertained by arbitration as hereinafter mentioned, unless in such cases as the owner or owners may agree thereupon, without the intervention of any third party.

Directors may agree with owners for land or damages.

5. The Directors of the said Company may contract, compound, compromise, settle and agree with the owners or occupiers respectively, of any land through or upon which they may determine to cut and construct the said Canal or other works hereby authorized, either for the purchase of so much of the land as they shall require for the purposes, uses or profit of the Company, or for damages which he, she or they shall or may be entitled to recover from the said Company, in consequence of any of the works hereby authorized, being constructed in or upon his or their respective lands; and in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers aforesaid, the amount of the purchase moneys for the lands and tenements proposed to be purchased, or the amount of damages to be paid to them as aforesaid, shall be ascertained by arbitration in manner hereinafter mentioned.

Arbitration in case of disagreement.

How such arbitration shall be had.

6. In each and every case where any dispute shall arise between the said Directors and any other person or persons whomsoever, touching any purchase, sale or damage, or the money to be paid in respect thereof, and in each and every case where, under the provisions of this Act, any purchase, sale or damage, or the money to be paid in respect of the same are directed to be ascertained and determined by arbitration, the same shall be referred to, ascertained and determined by three indifferent persons, one of whom shall be chosen by the owner or occupier of the land, or other person or persons interested, who shall disagree with the said Directors in respect to the compensation or purchase money to be paid him, her or them respectively, pursuant to the provisions of this Act; one other of the arbitrators shall be chosen by the said Directors, and the third shall be chosen by the two persons to be so named as aforesaid, and such three persons shall be the arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, and the award of such three persons, or any two of them, shall be final; and the said arbitrators so appointed are hereby required to attend at some convenient place on or near the line of the said Canal, to be appointed by the said Directors, within eight days after notice in writing shall be given them by the said Directors for that purpose,

Appointment of arbitrators.

Meeting.

purpose, then and there to arbitrate, award and determine such matters as shall be submitted to their consideration by the parties interested; and each of the said arbitrators shall be sworn before one of Her Majesty's Justices of the Peace for the district in which the land is situate, for that purpose, any of whom may be required to attend the said meeting, for that purpose, well and truly to assess the damages between the parties according to the best of his judgment; Provided that no arbitrator shall be compellable to attend such meeting, who originally resides more than twenty-five miles from the place of meeting; Provided also, that if the owner or owners, or other person or persons interested in any of the land required for carrying out the purposes of this Act, shall neglect or refuse to appoint an arbitrator, upon being notified to do so by the Directors aforesaid, by writing a letter to that effect, addressed to him, her or them, at his or their last, or then present residence, and by publication of such notice for one month in one or more local newspapers of the District in which the land is situated, then and in that case, after the expiration of thirty days from the time of such notice being fully completed, the Judge of the County Court within which the lands are situate shall act as arbitrator for such party or parties so refusing or neglecting, and the said Judge shall, with the other two arbitrators, as hereinbefore provided, proceed to adjudge and determine the damages or purchase money, or other matter or thing submitted to their judgment, according to the provisions of this Act; And provided further, that either party dissatisfied with the said award may apply to any of the Superior Courts of Law or Equity during the Term next after the publication of such award, to set it aside, for any cause for which an award would be set aside as between party and party; and any of the said Courts shall have cognizance thereof, although the submission do not provide for its being made a Rule of Court; And provided further, that in all arbitrations under this Act, the arbitrators shall take into consideration the benefit conferred on the property on which they are arbitrating, as well as the damage done to any particular portion thereof.

They shall be sworn.

Proviso:

Proviso: if the owner fails to appoint an arbitrator.

Proviso: appeal to set aside the award.

Proviso: as to mode of estimating damages.

7. For the purposes of this Act, the said Company shall and may, by some Provincial Land Surveyor in the Province, and by an Engineer by them appointed, cause to be taken and made, surveys and levels of the said lands through which the said intended Canal is to be carried, together with a map or plan of such intended Canal, and the course and direction thereof, and of the said lands through which the same is to pass, and also a book of reference of the said Canal, in which shall be set forth a description of the said several lands, and the names of the owners, occupiers and proprietors thereof, so far as the same can be ascertained, and in which shall be contained every thing that is necessary for the right understanding of such map or plan, copies of which said map or plan and book of reference shall, on the completion of such survey, map and

Map and book of reference to be made and deposited open to the public.

and book of reference, be deposited by the said Company in the offices of the respective Registrars for the several Counties through which the said Canal or any part thereof shall pass, and also in the office of the Secretary of this Province; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts from or copies thereof as occasion shall require, paying to the said Secretary of this Province, or to the said respective Registrars, at the rate of six pence current money of this Province, for every one hundred words; and the said copies of the said map or plan and book of reference so deposited, or a true copy or copies thereof, certified by the Secretary of the Province, or by one of the said Registrars for the said respective counties, shall severally be, and they are hereby declared to be good evidence in the Courts of Law and elsewhere.

Copies: and their use, in evidence, &c.

Bridges to be made over roads cut by the canal.

Proviso.

Proviso.

8. Whenever any highway or public road shall be cut through by the said Canal, or any of its branches, the said Company shall, within one month thereafter cause to be constructed a secure and sufficient bridge over the same with proper approaches not exceeding a grade of one foot in twenty feet so as to establish the communication between the several parts of such highway, under a penalty of five pounds per day for every day after the expiring of the said time, during which the Company shall neglect to construct the said bridge: Provided always that in the meantime some temporary means of passing along the said highway shall be constructed or procured; Provided further that if the canal hereby authorized to be constructed crosses any Railway now built or authorized to be built, the said Company shall build such bridge permanent or otherwise, and shall construct such works for carrying the Railway over the said Canal as the Governor in Council shall direct.

Persons destroying or injuring the works, to be liable for damages.

Wilful injury to be a misdemeanor.

9. If any person or persons shall maliciously or wilfully break, injure, throw down or destroy any bank, lock, gate, sluice, or any other work, machine, or device belonging or pertaining to the said Company, or do any other wilful act, hurt or mischief, to disturb, hinder or prevent the carrying into execution the completing and supporting the said Canal and navigation, or any of its branches, feeders, or other connexions or works belonging to the said Company, every such person or persons so offending shall forfeit and pay to the said Company the full value of the damage so done, including loss or inconvenience occasioned by such obstruction, proved by the oath of two or more credible witnesses to have been done; such damages, with costs of suit in that behalf incurred, to be recovered in any Court in this Province having competent jurisdiction; and such wilful and malicious act shall be a misdemeanor, and the party or parties committing the same shall and may be indicted and tried for a misdemeanor in any Court of competent jurisdiction, and on conviction thereof may be committed to the Common Gaol for any time not exceeding twelve months,

months, at the discretion of the Court before whom such offenders shall have been convicted.

10. If any person shall obstruct or impede the navigation of the said Canal, or other portion of the said intended navigation, by the introduction of any timber or boats, or vessels, contrary to the rules and regulations laid down for the government of the same to be made by the said Directors, and shall not immediately, upon notice given to the owner or person in charge of such timber, raft, boat or vessel so obstructing the navigation, remove the same, every such owner or person in charge of such timber, raft, boat or vessels so obstructing or impeding the navigation as aforesaid, shall forfeit and pay a sum not exceeding five pounds currency, for every hour during which the said obstruction shall continue; and it shall be lawful for the Company or their servants to cause such obstruction to be removed, and to cause every such boat, vessel or raft as shall be so overladen as to cause obstruction, to be detained and unloaded, so as to prevent or remove such obstruction, and to recover the costs of so doing from the owner or person in charge of the same, and to seize and detain such vessel, boat or raft, and the cargo thereof, or any part of the cargo or furniture of such vessel, boat or raft, until the charges occasioned by such unloading or removal or both shall be paid or satisfied: And if any vessel, boat or raft shall be sunk in any part of the said intended navigation, and the owners shall neglect or refuse to weigh and remove the same forthwith, the said Company may cause the same to be weighed and removed, and retain the same until all charges necessarily incurred in so doing shall be paid or satisfied, and all such charges may be recovered in any Court of competent jurisdiction from the owners or persons in charge of such vessel, boat or raft.

Penalty on persons obstructing the navigation of the canal.

Company may remove obstructions and recover the costs.

And detain the vessel, &c., causing the obstruction.

11. In case of any accident requiring immediate repair on the said Canal, or any part of the said navigation, the said Company, their agent or workmen, may enter upon the adjoining land (not being an orchard or garden) without any previous treaty with the owners or occupiers thereof; and dig for, work, get and carry away and use, all such gravel, stone, earth, clay, or other materials as may be necessary for the repair of the accident aforesaid, doing as little damage as may be to such land, and making compensation therefor, and in case of dispute or difference regarding the amount to be so paid, the same shall be decided by arbitration as hereinbefore provided; Provided, however, that if any action or suit shall be brought against the said Company for any matter or thing done in pursuance of this Act, such action or suit shall be brought within twelve calendar months after the act committed, and not afterwards.

Powers of Company in case of accident to the works.

Proviso.

12. The said Company may open, cut and erect such ponds and basins for the lying up and turning of vessels, boats or rafts,

Company may make ponds and docks, &c.

rafts, using the said Canal or navigation, and at such portions of the navigation as they shall deem expedient, and they may also build and erect such dry docks, slips and machinery connected therewith, for the hauling out and repairing of vessels, as they shall think proper, and may let the same on such terms as they shall deem expedient, or carry on the business of the same by their servants or agents, as the said Company or the Directors thereof shall decide from time to time.

And let the same.

Canal to be commenced within six years and completed within twelve years;

Or charter forfeited.

Draft of water to be marked on vessels using the canal.

Company may measure and guage such vessels;

And mark them.

Company may take certain lands of the Crown, beds of rivers, &c.

13. The said Company, in order to entitle themselves to the benefit and privileges conferred upon them by this Act, shall commence the said work within six years, and they are hereby required to complete the said navigation within twelve years from the passing hereof, that is to say, to open a channel of water communication from some point on the river St. Clair to the waters of Lake Erie, at or near the Two-Creeks, in the township of Romney, in the county of Kent aforesaid, so as to be navigable for vessels drawing twelve feet of water; otherwise this Act and every thing herein contained shall be null and void to all intents and purposes.

14. Every vessel, of whatsoever kind, using the said Canal, shall have her draft of water legibly marked in figures not less than six inches long, from one foot to her greatest draft upon the stem and stern posts; and any wilful mistatement of such figures so as to mislead the officers of the Canal as to any vessel's true draft, shall be punishable as a misdemeanor on the part of the owner and master of such vessel, and the said Directors may detain any such vessel upon which any incorrect figures of draft shall be found, until the same are corrected at the expense of her owner.

15. And for preventing disputes touching the tonnage of vessels navigating the said Canal, every owner or master of every boat, barge, raft, or vessel navigating the said Canal or other part of the said navigation, shall permit the same to be gauged and measured, and, for refusing to permit the same, shall forfeit and pay the sum of five pounds, and it shall be lawful for the person appointed for that purpose by the said Directors to guage and measure all vessels using the said navigation, and his decision shall be final, in respect to the tolls to be paid thereon, and he may mark the tonnage or measurement on every vessel habitually using the said Canal, and such measure, so marked by him, shall always be evidence respecting the tonnage in all questions respecting the tolls or dues to be paid to the said Company by virtue hereof.

16. It shall be lawful for the said Company, with the permission of the Governor in Council, to take and appropriate for the use of the said Canal so much of the wild land of the Crown not heretofore granted or sold, lying on the south of the said Canal, as may be necessary for the said Canal, and also so much

much of the land covered with the waters of any river, stream, or lake, or of their respective beds as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect or build locks, dams, tow-paths, branches, feeders, basins, tram-ways, bridges, wharves, and other works which the said Company shall at any time consider necessary; Provided always that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river or stream to or across which their Canal shall be carried, and the said Company may hold all such lands, hereditaments and tenements, as may at any time be granted to them by the Crown for the said works.

Proviso: navigation not to be impeded.

17. The capital stock of the said Company shall be four millions of dollars, or the equivalent in sterling (exclusive of any real estate which the said Company may have or hold by virtue of this Act), to be held in forty thousand shares of one hundred dollars each; and the shares of the said capital stock shall, after the first instalment thereon shall have been paid, be transferable by the respective persons subscribing or holding the same to any other person or persons; and such transfer shall be registered in a book or books to be kept by the said Company for that purpose; and the said capital stock shall be raised by the persons above named, or some of them, together with such other persons and corporations as may become shareholders in such stock, and the said money so raised shall be applied in the first place towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the said canal, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said canal and other purposes of this Act, and to no other purpose whatever; Provided always that until the said preliminary expenses connected with the said Canal shall be paid out of the capital stock thereof, it shall be lawful for any municipality interested in the said Canal to pay, out of the general funds of such municipality, such preliminary expenses as shall be required, which sum shall be refunded to such municipality from the stock of the said Company, or be allowed to them in payment of stock.

Capital to be \$4,000,000, exclusive of real estate.

Shares, and how transferable, &c.

Proviso: as to preliminary expenses.

18. All persons, whether subjects of Her Majesty or otherwise, may subscribe for any number of shares in the said Company, the amount whereof shall be payable to the said Company in the manner hereinafter mentioned, that is to say, five per cent. on each share so subscribed shall be payable to the said Company immediately after the stockholders shall have elected the Directors as hereinafter mentioned, and the remainder by instalments of not more than ten per centum at such period, as the President and Directors shall from time to time direct for the payment thereof, provided that no instalment shall be called in at a shorter period than ninety days from the next preceding instalment,

Subscriptions for stock.

Five per cent. to be paid down.

Instalments on calls.

Proviso: forfeiture for non-payment of calls.

instalment, nor until public notice shall have been given as herein-after mentioned with respect to notice of meetings to be holden under this Act, for at least thirty days previous to the day on which such instalment is made payable; Provided always that if any stockholder or stockholders shall neglect or refuse to pay the said Company the instalment due upon any share or shares held by him, her or them, at the time required by law, such share or shares, with the amount previously paid thereon, shall be forfeited, and the said Directors shall sell such share or shares by public auction, after having given thirty days' notice of such intended sale to each stockholder or respective stockholders, and the proceeds thereof, with the amount previously paid thereon, shall be accounted for and applied in the same manner as the other funds of the Company; Provided always that such purchaser or purchasers shall pay all instalments which shall be due upon such shares, over and above the purchase money thereof, immediately after the sale and before they shall be entitled to a certificate of the transfer of such share or shares so to be purchased as aforesaid.

Proviso.

Directors may appoint agents.

Their powers.

19. The Directors of the said Company may appoint such and so many agents in this Province, or in any other part of Her Majesty's dominions, or elsewhere, as to them shall seem expedient, and may, by any by-law to be made for such purpose, empower and authorize any such agent or agents to do or perform any act or thing, or to exercise any powers which the Directors themselves, or any of them, may lawfully do, perform or exercise, except the power of making by-laws; and all things done by such agent or agents by virtue of the power in him vested by any such by-law, shall be as valid and effectual to all intents and purposes as if it were done by such Directors themselves; any thing in any part of this Act to the contrary notwithstanding.

Certain Municipalities may take stock in the canal, or lend money to or guarantee loans to the Company.

20. Any of the Municipalities within the Counties of Essex, Kent and Lambton, interested in the said works, may subscribe for any number of shares in the Capital Stock of, or lend to or guarantee the payment of any sum of money borrowed by the Company from any Corporation or person, or endorse or guarantee the payment of any debenture to be issued by the Company for the money by them borrowed, and shall have power to assess and levy, from time to time, upon the whole rateable property of the municipality, a sufficient sum for them to discharge the debt or any engagements so contracted, and for the like purpose to issue debentures, payable either in currency or sterling, and in such places, either within or without this Province, and at such time and for such sum respectively not less than five pounds currency, and bearing or not bearing interest, as such municipality may think fit; and any such debenture issued, endorsed or guaranteed, shall be valid and binding upon each municipality, if signed or endorsed, and countersigned by such officer or person, and in such manner

manner and form as shall be directed by any by-law of any such municipality, and the corporation seal thereto shall not be necessary, nor the observance of any other form with regard to the debentures, than such as shall be directed in such by-laws as aforesaid.

21. No municipality shall subscribe for stock or incur any debt or liability under this Act, unless and until a by-law to that effect shall have been duly made and adopted with the consent first had of a majority of the qualified rate-payers of the municipality, to be ascertained in such manner as shall be determined by the said by-law, after public advertisement thereof, containing a copy of such proposed by-law, inserted at least four times in each newspaper printed within the limits of the municipality, or if none be printed therein, then in some one or more newspapers printed in the nearest city or town thereto and circulated therein, and also put up in at least four of the most public places in each municipality.

Consent of rate-payers to be first obtained.

22. The Mayor, Wardèn or Reeve, being the Head of such municipality, subscribing for and holding stock in the Company to the amount of four thousand dollars or upwards, shall be and continue to be *ex officio* one of the Directors of the Company, in addition to the number of Directors authorized by this Act, and shall have the same rights, powers and duties as any of the Directors of the Company.

Head of Corporation holding £1,000 stock, to be a Director.

23. If the whole number of shares shall not be subscribed within two years after the passing of this Act, it shall and may be lawful for any former subscriber to increase his, her or their former subscription.

Power to increase subscriptions in certain cases.

24. The Honorable John Prince, Honorable M. Cameron, Honorable Mr. Dickson, John McLeod, J. B. Williams, A. J. Salter, Thomas A. Stayner, Alexander Cameron, C. Coatsworth, Jonas Robinson, George Middleton, Joseph Marks, William Gaines, Theodore Malott, Leonard Wiggle, and Ralph Forster, shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall, under the provisions of this Act, be elected by the Shareholders, and shall, until that time, constitute the Board of Directors of the said Company, with power to open stock books and make a call on the shares subscribed in such books, and call a meeting of the Shareholders for the election of Directors in the manner hereinafter provided; and the chairman of the said meeting shall be the President or Vice-President of the Directors appointed by this Act.

First Directors named.

Their powers.

25. When and so soon as one hundred thousand dollars of the Capital Stock shall have been subscribed as aforesaid, and ten per cent. thereon shall have been paid into some

First general meeting of the Shareholders.

one

- one or more of the chartered Banks of this Province, or into some Branch or Agency of such Bank or Banks, it shall be lawful for the said Directors, or a majority of them, to call a meeting of the holders of such shares at such place and time as they shall think proper, giving at least fifteen day's public notice of the same in one or more newspapers published in the towns of Sarnia, Chatham and Windsor; at which said General Meeting and at the Annual General Meeting, in the following sections mentioned, the Shareholders present, either in person or by proxy, shall elect twelve Directors in the manner, and qualified as hereinafter provided, which said twelve Directors shall, with the *ex officio* Directors (if any such there be) constitute a Board of Directors; and the Directors so elected shall hold office until the first Monday in May, in the year following their appointment; and it shall also be the duty of the said Directors, or a majority of them, to cause books of subscription to be opened in the towns of Sarnia, Chatham and Windsor, and at such other place or places as may be named from time to time by the said Directors or a majority of them, until the meeting of Shareholders shall take place, for receiving the subscriptions of persons willing to become subscribers to the said undertaking; and for that purpose, it shall be their duty, and they are hereby required to give public notice in one or more newspapers published in the Counties of Essex, Kent and Lambton, of the times and places at which such books will be opened and ready for receiving subscriptions as aforesaid, the persons authorized by them to receive such subscriptions, and the chartered Bank or Banks into which the ten per cent. thereon is to be paid, and the time hereinafter limited for such payment; and every person whose name shall be written in such book as a subscriber to the said undertaking, and who shall have paid, within twenty days after the closing of the said books, into the Bank or Banks aforesaid, or any Branches or Agencies thereof, ten per centum on the amount of stock, so subscribed for, to the credit of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company; and it is hereby enacted that such ten per cent. shall not be withdrawn from the said Bank or Banks, or otherwise applied, except for the purposes of the said Company.
- 26.** On the first Monday in the month of September, and on the first Monday in September in each year thereafter, or on such other day as shall be appointed by any By-law, and at such place as shall be appointed, an Annual General Meeting of the Shareholders of the said Company shall be holden, at which and by whom there shall be elected by the private Shareholders, twelve Directors for the ensuing year, in the manner and qualified as hereinafter provided; and public notice of such Annual General Meeting and
- Election**
- Notice.**
- Annual general meeting of the Company, and election of Directors.**
- Notice.**
- Subscription.**
- Their duties.**
- Term of office.**
- Election of Directors.**
- Notice.**
- Ten per cent. to be paid into Bank.**
- Rights of subscribers.**

Election shall be published one month before the day of election in the *Canada Gazette*, and also, once, fifteen days before the election, in one newspaper in Sarnia, Chatham and Windsor; and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors, and if it shall happen that two or more shall have an equal number of votes, the said private shareholders shall determine the election by another or other votes, until a choice is made; and the said twelve Directors shall, together with the *ex officio* Directors (if any such there be) form the Board of Directors; and it is further provided that if at any time it shall appear to any ten or more of such proprietors holding together two hundred shares at least, that for more effectually putting this Act in execution, a Special General Meeting of proprietors is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof in two public newspapers as aforesaid, or in such manner as the Company shall, by any By-law direct or appoint, specifying in the said notice the time and place and the reason and intention of such Special Meeting respectively; and the proprietors are hereby authorized to meet, pursuant to such notices, and to proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the proprietors, or the majority of them, at such Special Meetings assembled, such majority not having either as principal or proxies less than two hundred shares, shall be as valid to all intents and purposes as if the same were done at General Meetings; Provided always that it shall and may be lawful for the said Directors, in case of the death or absence, resignation or removal of any person elected a Director to manage the affairs of the said Company, in manner aforesaid, to appoint another or others in the room or stead of those of the Directors who may die or be absent, resign or be removed as aforesaid, any thing in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining Directors.

Election to be by ballot.

Special general meetings.

Their powers.

Proviso: filling vacancies among the Directors.

27. The Directors shall, at the first (or at some other) Meeting after the day appointed for the Annual General Meeting in each year, elect one of their members by ballot, to be the President of the said Company, who shall always (when present) be the Chairman of and preside at all meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead; and the said Directors may in like manner elect a Vice-President, who shall act as Chairman in the absence of the President.

Election of President and Vice-President.

28. Any meeting of the said Directors, at which not less than seven Directors shall be present, shall be a *quorum*, and shall

Quorum of Directors.

Votes of Directors.

shall be competent to use and exercise all and every of the powers thereby vested in the said Directors; Provided always that no one Director, though he be a proprietor of many shares, shall have more than one vote at any meeting of the Directors, except the President and Vice-President when acting as Chairman, or any temporary Chairman, who, in case of the absence of the President and Vice-President, may be chosen by the Directors present, either of whom, when presiding at a meeting of the Directors, shall, in case of a division of equal numbers, have the casting vote, although he may have given one vote before; And provided also, that such Directors shall, from time to time, be subject to the examination and control of the said annual and special meetings of the said proprietors as aforesaid, and shall pay due obedience to all By-laws of the said Company, and to such orders and directions in and about the premises as they shall, from time to time, receive from the said proprietors at such annual or special meetings; such orders and directions not being contrary to the special directions and provisions in this Act contained; And provided also, that the act of any majority of a *quorum* of the Directors present at any meeting regularly held, shall be deemed the act of the Directors.

Proviso: Directors to obey general meetings.

Proviso.

Contractors not to be Directors.

29. Provided always that no person holding any office, place or employment, or being concerned or interested in any contract or contracts under the said Company, shall be capable of being chosen a Director or of holding the office of Director or Provisional Director under this Act.

Qualification of Directors.

30. The persons qualified to be elected Directors of the said Company, under this Act, shall be any Shareholder holding stock to the amount of one thousand dollars, and who shall have paid up all calls on such stock.

Votes of Shareholders at general meetings.

31. Each Shareholder shall be entitled to one vote for every share he, she, or they may hold in the said Company; but no Shareholder shall be entitled to vote at the meetings of Shareholders who shall not have paid up all the calls due upon his, her or their stock, or the stock upon which such Shareholder claims to vote, at least twenty-four hours before the hour appointed for any such meeting; Provided always that if any township municipality shall be Stockholders in the said Company, they, or whosoever shall represent their interests in the said Company, shall not vote or be entitled to vote in or for the election of Directors of the Company to be elected by the Shareholders, or to vote at any general meeting of the Shareholders.

Proviso: certain Municipalities not to vote.

Aliens to have same rights as British subjects.

32. Any Shareholder in the said Company, whether a British Subject or alien, or a resident in Canada or elsewhere, has and shall have equal rights to hold stock in the said Company, to vote on the same, and to be eligible to office in the said Company.

33. All acts done by any person or persons acting as Director or Directors, shall, notwithstanding there may have been some defect in the appointment of any such person or persons, or that they or any of them were disqualified, be as valid as if every such person or persons had been duly appointed and was qualified to be a Director. Directors' acts valid, notwithstanding want of qualification, &c.

34. No Shareholder in the said Company shall be in any manner whatsoever liable or charged for any debt or demand due by the said Company, beyond the payment or the extent of his, her or their share in the capital of the said Company not paid up. Non liability of Shareholders.

35. The shares in the capital stock of the said Company shall be deemed personal estate, and shall be transferable as such. Shares to be personalty.

36. The owner or owners of one or more shares in the said undertaking, shall pay his, her or their shares and proportion of the moneys to be called for as aforesaid, to such person or persons, and at such time and place, as the said Directors shall from time to time appoint and direct; of which thirty days' notice at least shall be given in two newspapers as aforesaid; or in such other manner as the said Directors, or their successors, shall, by any By-law, direct or appoint. Shareholders to pay calls.

37. The business and affairs of the said Company shall be conducted and managed, and its powers exercised by twelve Directors, to be annually appointed by the Shareholders, who shall elect from among themselves a President and Vice-President. The said Directors may be subjects of Her Majesty or otherwise. The annual meeting for the election of Directors shall be holden on the first Monday in September in every year, and shall be held in the town of Chatham; and the said election shall be made by such Stockholders as shall be present at such meeting, in person or by proxy; Provided always that such proxy produce from his constituent or constituents a notice in writing, in words of the effect following, that is to say: Directors to manage the affairs of the Company. Annual election. Proviso: as to proxies.

I, _____, of _____, one of the proprietors of the River St. Clair and Two-Creeks Ship Canal Company, do hereby nominate, constitute and appoint _____, of _____, to be my proxy, in my name, and in my absence to vote or give my assent or dissent to any business, matter or thing relating to the said undertaking that shall be mentioned or proposed at any meeting of the proprietors of the said undertaking, or any of them, in such manner as he the said _____ shall think fit, according to his opinion and judgment for the benefit of the said undertaking, or any thing appertaining thereto. The form of proxies.

In witness whereof, I have hereunto set my hand and seal, the _____ day of _____, in the year one thousand eight hundred and _____.

Votes by proxies valid.

And such vote or votes by proxy shall be as valid as if such principals had voted in person; and whatever question, election of proper officers, matters or things shall be proposed, discussed or considered in any public meeting of the shareholders to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid, and all decisions and acts of any such majority shall bind the said Company and be deemed the decision and acts of the said Company.

Duties of Directors.
Plans, &c.

38. The chief duties of the Directors to be chosen by the Shareholders as aforesaid, shall be, in the first place, to provide for and pay the preliminary expenses of the undertaking, procure and provide means for the payment for accurate and detailed surveys, specifications, plans and estimates of the work to be done, in order to complete the intended navigation as contemplated by this Act; also to ask, advertise for, and receive tenders for the whole or any part of the proposed work, and generally to do all things authorized by the said Company to be done by virtue of this Act; also to issue to the parties, persons or bodies who may have contributed towards the payment of the preliminary expenses, stock certificates of the Company for the amount of their respective contributions.

Tenders for the work.

Certificates of stock.

Company may borrow to the amount of two-thirds of their capital.

Debentures.

39. The said Company may from time to time lawfully borrow, either in this Province or elsewhere, such sum or sums of money, not exceeding at any time two thirds of the capital authorized to be raised by the Company, as they may find expedient, and may make the bonds, debentures or other securities they shall grant for the sums so borrowed, payable either in currency or in sterling, and at such place or places within or without this Province, as they may deem advisable, and may mortgage or pledge the lands, tolls, revenues or other property of the said Company, for the due payment of the said sums and the interest thereon; and the said Company may issue debentures in sums of not less than twenty-five pounds currency, at not less than twelve months, provided the whole debt, including such debentures, does not at any time exceed the subscribed capital.

Directors to make By-laws.

40. The Directors of the said Company shall have full power and authority to make all such By-laws, rules, regulations and ordinances as shall appear to them proper and needful to the management of the said Company, and to alter and amend the same as often as they may think proper, and such By-laws, rules, regulations and ordinances shall be valid and have effect in the same way as if the same had been contained and enacted in this Act until the same are altered or repealed

repealed by the majority in value of the shareholders voting at an annual or other special or general meeting, to whom power is hereby given so to alter or repeal the same.

They may be altered by general meetings.

41. A copy of all such By-laws as aforesaid, or of any one or more of them, sealed with the seal of the Company, shall be evidence in all Courts of Law or Equity of such By-laws or By-law, and that the same were or was duly made, and are or is in force; and in any action or proceeding at Law or in Equity between the Company and any Shareholder, it shall not be necessary to give any evidence to prove the seal of the Company; and all documents purporting to be sealed with the seal of the Company shall be taken to have been duly sealed with the seal of the Company.

Certified copies of By-laws to be evidence.

As to documents under seal.

42. At every annual meeting of the Shareholders, they shall have power to appoint not exceeding three Auditors, to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Treasurer, Receiver or Receivers and other officer or officers to be by the said Directors appointed, or by any other person or persons whatsoever, and employed by or concerned for or under them in and about the said undertaking, and to that end the said Auditors shall have power to adjourn themselves from time to time and from place to place, as shall be thought convenient by them; And the said Directors chosen under the authority of this Act, shall have power, from time to time, to make such call or calls of money from the stockholders of the said canal and other works, to defray the expenses of or to carry on the same as they, from time to time, may find wanting and necessary for these purposes, except as before provided; and such Directors shall have full power and authority to direct and manage all and every the affairs of the said Company, as well in contracting for and purchasing lands, rights and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing under-officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking, and to affix, or authorize any person to affix, the common seal of the Company to any Act, Deed, By-law, Notice or other document whatsoever; and any such Act, Deed, By-law, Notice or other document, bearing the common seal of the Company, and signed by the President or Vice-President, shall be deemed the act of the Directors of the said Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign and to fix the said seal thereto, be liable to be called in question by any party except the Company.

Auditors to be appointed yearly.

Directors to make calls on stock.

Further powers of Directors.

Sealing documents, &c.

43. The said Company shall have power to become parties to promissory notes and bills of exchange for sums not less than twenty-five pounds, and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed

Company may be parties to bills of exchange, &c.

by

by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum*, shall be binding on the Company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note, nor shall the President, Vice-President, or Secretary and Treasurer of the Company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever; Provided always that nothing in this section shall be construed to authorize the said Company to issue any note "payable to bearer," or any promissory note intended to be circulated as money or as the notes of a bank.

Proviso: not to issue bank notes.

Deed of wife with husband to bar dower.

44. The single execution of any conveyance under this Act by any married woman with her husband, shall operate as a Bar of Dower in the lands thereby conveyed, and a conveyance of her title therein if the same be owned by her without any other ceremony or formality whatever.

Directors may vote by proxy.

45. The Directors of the said Company may vote by proxy, such proxies being themselves Directors and appointed in the following form, or to the like effect:

Form of proxy.

I hereby appoint _____ of _____, Esquire, one of the Directors of the River Saint Clair and Two-Creeks' Ship Canal Company, to be my proxy as Director of the said Company, and as such proxy, to vote for me at all meetings of the Directors of the said Company, and generally to do all that I could myself do as such Director if personally present at such meeting.

A. B. signature.

Proviso.

But no Director shall act as proxy for more than three other Directors.

Directors may be removed and others elected at general meetings;

46. The said Company shall always have power and authority at any general meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the room of those who shall die, resign or be removed, and to remove any other officer or officers under them, to revoke, alter, amend or change any of the By-laws or Orders prescribed with regard to their proceedings amongst themselves (the method of calling general meetings, and their time and place of assembling, and manner of voting and appointing Directors only excepted,) and shall

shall have power to make such new Rules, By-laws and Orders for the good government of the said Company, and their servants, agents or workmen, for the good and orderly making and using the said Canal, and all other works connected therewith or belonging thereto, as hereby authorized, and for the well-governing of all persons whatever travelling upon or using the said Canal and other works, or transporting any goods, wares, merchandize or other commodities thereon, which said By-laws and Orders shall be put into writing under the common seal of the said Company, and shall be kept in the office of the Company, and a printed or written copy of so much of them as relate to or affect any party other than the members or servants of the Company, shall be affixed openly in all and every of the places where tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same; and the same By-laws and Orders so made and published as aforesaid shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same; and any copy of the said By-laws, or any of them, certified as correct by the President, or some person authorized by the Directors to give such certificate, and bearing the common seal of the said Company, shall be deemed authentic, and shall be received as evidence of such By-laws in any Court without further proof.

And to make By-laws.

Certain By-laws to be posted up.

Certified copies to be evidence.

47. All sales of the shares in the said undertaking shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require:

Transfers of shares:

I, A. B., in consideration of the sum of _____, paid by C. D., of _____, do hereby bargain, sell and transfer to the said C. D. _____ share (or shares) of the stock of the River St. Clair and Two-Creeks' Ship Canal Company; to hold to him the said C. D., his executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof; and I, the said C. D., do hereby agree to accept the said _____ share (or shares) subject to the same rules, orders and conditions.

Form.

Witness our hands and seals, this _____ day of _____ in the year one thousand eight hundred and _____.

Provided always that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid up.

Proviso.

48. It shall and may be lawful to and for the said Directors, and they are hereby authorized from time to time, to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said Company, taking such security for the due execution of _____

Directors to appoint a Treasurer, &c., and Clerk, &c.

of

of their respective offices as the Directors shall think proper ; and such Clerk shall, in a proper book or books, enter and keep a true and perfect account of the names and places of abode of the several Stockholders of the said Company, and of the several persons who shall, from time to time, become owners or proprietors of, or entitled to any share or shares therein, and of the other acts, proceedings and transactions of the said Company, and of the Directors for the time being, by virtue of and under the authority of this Act ; And the said Directors shall have power by By-law to fix and regulate the tolls to be taken upon the said Canal, but no such tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of the By-law establishing such tolls, and of the Order in Council approving thereof.

To fix tolls, with approval of Governor in Council.

Publication of tolls.

Annual accounts to be rendered by Directors, &c.

Dividends may be made out of the clear profits.

Proviso.

Fractions of miles, tons, &c., how to be reckoned.

49. The said Company, or the Directors of the said Company shall, and they are hereby required, to cause a true, exact and particular account to be kept and annually made up and balanced on the thirty-first day of December in each year, of the money collected and received by the said Company, or by the Directors or Treasurer of the said Company, or otherwise, for the use of the said Company by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on their works, and of all other receipts and expenditures of the said Company or the said Directors ; and at the general meetings of the proprietors of the said undertaking to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such meetings shall declare otherwise, and such dividend shall be at and after the rate of so much per share upon the several shares held by the proprietors in the Joint Stock of the said Company, as such meeting or meetings shall think fit to appoint or determine : Provided always, that no dividend shall be made whereby the Capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share after a day appointed for payment of any call for money in respect thereof, until such call shall have been paid.

50. In all cases where there shall be a fraction in the distance which vessels, rafts, goods, wares, merchandize or other commodities or passengers shall be conveyed or transported on the said navigation, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile ; and in all cases where there shall be the fraction of a ton, in the weight of any such goods, wares, merchandize, and other commodities, a proportion of the said rates shall be demanded and taken by the said Company of proprietors to the number of quarters of a ton contained therein ; and in all cases where there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

51. Every matter or thing which the said Company are authorized or empowered to do or suffer, shall be interpreted to mean that the said Company shall be empowered to do and suffer all such acts, matters and things by their duly appointed agents, servants and workmen, whether the same be specially mentioned or not ; and in all cases wherein the said Canal is mentioned in this Act, the same shall apply to all branches, feeders, reservoirs and rivers or parts of rivers which shall be made part or parcel of the navigation thereof, or of the supplying of the same with water.

Company may delegate certain powers to their agents or workmen, &c.

52. The said Company shall at all times, when thereunto required by the Postmaster General of this Province, the Commander of the Forces, or any person having the superintendance or command of any Police Force, carry Her Majesty's Mails, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others, travelling on Her Majesty's service, on the said Canal, on such terms and conditions, and under such regulations as the Governor or Person administering the Government shall, in Council, appoint and declare.

Company to transport soldiers, police, &c., on fair terms.

53. The said Company shall and are hereby required and directed to take sufficient security by one or more bond or bonds, in a sufficient penalty or penalties from their Treasurer, Receiver and Collector for the time being, of the moneys to be raised by virtue of this Act, for the faithful execution, by such Treasurer, Receiver and Collector, of his and their office and offices respectively.

Company to take security from their Treasurer, &c.

54. If any action or suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities or of the orders and directions hereinbefore given or granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed, or, in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards ; and the Defendant or Defendants, in such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act ; and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the Plaintiff or Plaintiffs shall be non-sued, or discontinue his, her or their action or suit, after the Defendant or Defendants shall have appeared, or if judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full costs, and shall have such remedy for the same as any Defendant or Defendants hath or have for costs of suit in other cases by law.

Limitation of actions for things done under this Act.

General issue may be pleaded, &c.

Costs.

Contravention of this Act to be a misdemeanor, if no other penalty is provided.

55. Any contravention of this Act by the said Company or any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punished accordingly, but such punishment shall not exempt the said Company (if they be the offending party) from the forfeiture of this Act, and the privileges hereby conferred on them, if, by the provisions thereof, or by law, the same be forfeited by such contravention.

Act not to affect Her Majesty, &c., except as mentioned.

56. Nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

Her Majesty may assume possession of the works on certain terms.

57. At any time after the making and completing the said Canal, it shall be lawful for Her Majesty, Her Heirs and Successors, to assume the possession and property of the same and of all and every the works and dependencies thereto belonging, upon paying to the said Company, their heirs, executors, administrators and assigns, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards making and completing the said Canal, together with such other sums as will amount to six per centum upon the moneys so advanced and paid, as a full indemnification to such Company, and the said Canal shall, from the time of such assumption in manner aforesaid, appertain and belong to Her Majesty, Her Heirs and Successors, who shall thenceforth be substituted in the place and stead of the said Company, their heirs and assigns, for all the purposes of this Act in so far as regards the said Canal.

Public Act.

58. This Act shall be deemed and taken to be a Public Act.

C A P . C X X V I I .

An Act to amend and consolidate the Acts forming the Charter of the Quebec Bank, and for other purposes.

[Assented to 16th August, 1858.]

Preamble.

WHEREAS the Corporation called and known as "The Quebec Bank," was created and constituted under the Royal Charter or Letters Patent of His late Majesty King William the Fourth, bearing date at Westminster, the thirty-first day of May, in the seventh year of His Reign, which said Royal Charter or Letters Patent were confirmed and ratified, and the term thereof extended by the Ordinance of the Legislature of the late Province of Lower Canada, passed in the second

second year of Her Majesty's Reign, and intituled, *An Ordinance to prolong the term of the Royal Charter incorporating the Quebec Bank, and to make further provision for the government and management of the said Bank*, which said Ordinance and the said Royal Charter were amended and further extended by the Act of the Legislature of the Province of Canada, passed in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to extend the Charter of the Quebec Bank*; ^{2 V. c. 24.} ^{4, 5 V. c. 94.} And whereas the said last mentioned Act was amended, and the capital stock of the said corporation increased by the Act of the said Legislature, passed in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to increase the capital stock of the Quebec Bank, and to amend in part the Act to extend the Charter of the said Bank*, which said Act was further amended, and the privileges of the said corporation have been further extended by the Act passed in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to reduce the number of the Directors of the Quebec Bank*, and by that of the said Legislature passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to authorize an addition to the capital stock of the Quebec Bank, to facilitate the transfer of shares in certain cases, and for other purposes relative to the said Bank*: and the said Acts were further amended, and an increase of the capital stock of the said corporation was authorized by the Act of the said Legislature, passed in the eighteenth year of Her Majesty's Reign, chaptered forty: And whereas the said corporation hath by its petition prayed for authority to increase the capital stock and to make the shares transferable in Great Britain, and that the provisions of the said several Ordinances and Acts may be consolidated with certain amendments and extensions of the powers and privileges thereby conferred; and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

^{10, 11 V. c. 114.} ^{14, 15 Vic. c. 156.} ^{16 V. c. 143.} ^{18 V. c. 40.}

1. So much of the said Royal Charter and of the Ordinances and Acts hereinbefore cited, or any of them, as may be inconsistent with or repugnant to the provisions of this Act, or as makes any provision in any matter provided for by this Act, other than such as is hereby made, shall be and is hereby repealed.

^{Inconsistent provisions of the said Acts, repealed.}

2. The said corporation of the Quebec Bank shall, during the time this Act shall remain in force, continue to have all, each and every of the rights, powers, privileges and authority in and by the said Royal Charter and the several Ordinances and Acts hereinbefore cited, or any of them, conferred upon or vested in it, subject always to the provisions of this Act; and shall continue to have perpetual succession and a common seal, with power to break, renew, change and alter the same at pleasure, and shall be capable of suing and being sued, pleading

^{Corporation continued.} ^{Powers.}

Real estate limited.

pleading and being impleaded in all Courts of Law and Equity and other places, in all manner of actions, causes and matters whatsoever; and for the convenient management of its business, but for no other purpose, shall and may purchase, acquire and hold real or immoveable estates and property, not exceeding the yearly value of five thousand pounds currency, and may sell, alienate, and dispose of the same, and purchase, acquire and hold others in their stead, not exceeding in the whole the yearly value aforesaid.

Capital limited to £750,000 in shares of £25.

3. It shall be lawful for the said Quebec Bank (the words "the said Bank" meaning throughout this Act the corporation aforesaid) to add to their present capital a sum not exceeding five hundred thousand pounds currency, and the capital stock of the said Bank shall then be seven hundred and fifty thousand pounds currency, divided into thirty thousand shares of twenty-five pounds currency, or one hundred dollars each, and so many of the said shares as may be unsubscribed for when this Act shall come into force, may be subscribed for either within or without this Province, in such proportions or numbers and at such times and places, and under such regulations, and at such rate of premium to be paid by the subscribers over and above the amount of the shares, as the Directors of the said Bank shall from time to time establish; and the shares so subscribed for shall be paid in by such instalments, and at such times and places as the said Directors shall from time to time appoint, and executors, administrators and curators paying instalments upon shares of deceased shareholders, shall be and are hereby respectively indemnified for paying and are required to pay the same: Provided always that no share shall be held to be lawfully subscribed for, unless the premium (if any) which shall have been fixed by the Directors, and at least ten per centum on the amount of such share, be paid at the time of subscribing; Provided also, that every person subscribing for or taking any share in the capital stock of the said Bank after this Act shall come into force, shall have the same rights and be subject to the same rules and regulations as the original subscribers and shareholders in the said Quebec Bank: And provided, moreover, that the said persons who shall hold any share or shares of such capital stock, shall only have a vote or votes at any general meeting of the said Quebec Bank, according to the number of such shares on which the full amount of twenty-five pounds currency shall have been paid in by them respectively, nor shall any such person be qualified to act as one of the Directors of the said Bank until he shall have paid in the full amount of forty such shares, that is to say, a sum of not less than one thousand pounds currency: And provided also, that no part of the capital stock unsubscribed for at the time when this Act shall come into force, shall be subscribed for after the end of five years from that time, and the whole of the stock shall be called in before the thirty-first day of December, one thousand eight hundred and sixty-three: And provided

As to new stock now unsubscribed for.

Instalments.

Proviso: ten per cent. to be paid down.

Proviso: Rights of new Shareholders.

Proviso: no vote till paid up.

Proviso: time for subscribing limited.

provided further, that it shall not be obligatory upon the said Bank to raise the full amount of the capital stock hereby allowed, but the number of shares to be thereafter subscribed for, may at any time be limited by a By-law of the said Bank, in such manner as the shareholders shall deem most advantageous for the interests of the said Bank.

Proviso: Bank not bound to raise the full capital.

4. If any person or party subscribing for shares of the capital stock of the said Bank, shall also be willing to pay up at the time of subscribing the full amount of the shares subscribed for, together with such premium thereon as aforesaid, it shall and may be lawful for the Directors of the said Bank, and at any time within the period hereinbefore limited for subscribing for such stock, to admit and receive such subscriptions and full payment or payments of any number of instalments, together with such premium, and in every such case, the premium so received on any stock subscribed for, shall be carried to the account of the ordinary profits of the said Bank.

Subscribers may pay in full, &c.

As to premium.

5. Shares in the capital stock of the said Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, in like manner as such shares or dividends thereon are now respectively transferable and payable at the Bank in the City of Quebec, and to that end the Directors may, from time to time, make such rules and regulations, and prescribe such forms, and appoint such agents or agent, as they may deem necessary.

Shares may be transferred and dividends paid in the United Kingdom.

6. Provided always, that the Directors of the said Bank shall not be compelled to open books of subscription for the whole number of shares unsubscribed for when this Act shall come into force, at one and the same time, but it shall and may be lawful for the said Directors, and they are hereby authorized, from time to time, to limit the number of shares for which the books of subscription shall be opened as aforesaid, at any one time, as they in their discretion may deem most advisable.

Books need not be opened for the whole stock at once.

7. If any shareholder or shareholders shall refuse or neglect to pay any instalment upon his, her or their shares of the said capital stock at the time and times required by the Directors as aforesaid, such shareholder or shareholders shall incur a forfeiture, to the use of the said Quebec Bank, of a sum of money equal to ten pounds per centum on the amount of such shares, and moreover, it shall be lawful for the Directors of the said Bank (without any previous formality other than thirty days' public notice of their intention) to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the same, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeitures incurred upon the whole; and the President, Vice-President or Cashier of the said Bank shall execute the transfer to the purchaser

Forfeiture for non-payment of calls.

Sale of shares on which calls are unpaid.

purchaser of the shares of stock so sold, and such transfer being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; Provided always, that nothing in this section contained shall be held to debar the Directors or shareholders at a general meeting from remitting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of any instalment as aforesaid.

Proviso: forfeiture may be released.

Chief place of business.

8. The chief seat or place of business of the said Bank shall be in the City of Quebec, but it shall and may be lawful for the Directors of the said Bank to open and establish in other Cities, Towns and places in this Province, Branches or Agencies, or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same, as to the said Directors shall from time to time seem meet, not being repugnant to any law of this Province, to this Act, or to the By-laws of the said Bank.

Branches.

Seven Directors to be elected yearly;

9. For the management of the affairs of the said Bank, there shall be seven Directors, who shall be annually elected by the proprietors of the capital stock of the said Bank, at a general meeting of them, to be annually held on the first Monday of June in each year, the first whereof shall be held on the first Monday of June next after the passing of this Act, at which annual meeting the said shareholders shall vote according to the rule hereinafter established, as to the manner of voting at general meetings; and the Directors so chosen by a majority, in conformity to such rule, shall be capable of serving as such Directors for the next twelve months, unless removed for maladministration before that period by the stockholders at a general meeting to be held by them, or unless suspended as hereinafter provided; and at their first meeting after such election, they shall choose out of their number a President and Vice-President, who shall hold their offices respectively, during the same period for which the said Directors shall have been elected as aforesaid; and it shall be lawful for the said Directors, from time to time, in case of death, resignation, absence from the Province for three months consecutively, or removal of the person so chosen to be President and Vice-President respectively, or either of them, to choose in their or his stead, from among them the said Directors, another person or persons to be President and Vice-President respectively; and in case of the death, resignation, absence from the Province for three months at a time, or the removal of any Director by the Shareholders as aforesaid, his place, in case of such removal, shall be filled by the said stockholders, at any one of their general meetings, and in the other cases last mentioned, by the remaining Directors or a majority of them, and the person so appointed in the place and stead of such Director, shall serve till the next general meeting for the election of the Directors and

By a majority of votes.

President and Vice-President.

Vacancies how filled; provision for cases of absence, &c.

and in the event of any temporary absence of the President of the said Bank, whether occasioned by sickness or otherwise, the remaining Directors of the said Bank may, by a vote duly recorded in the register of their proceedings, devolve upon the Vice-President of the said Bank, during the continuance of such temporary absence, all the duties of the said President, and in the event of the unavoidable absence of both the President and Vice-President, at any board of the said Directors, held for the transaction of business, the said Directors, when assembled, shall appoint one of themselves to supply the place of such President or Vice-President, and the Director so appointed shall vote as a Director at the Board, and if there be an equal division on any question, shall have a casting vote; Provided always, that the present Directors shall remain in office until they shall be replaced by their successors, duly elected at the annual meeting of the shareholders to be held next after the passing of this Act; Provided also, that it shall not be necessary that any of the Directors in office when this Act shall come into force, shall be re-elected, but all of them shall be eligible for re-election.

Proviso: present Directors continued.

Proviso: as to their re-election.

10. No person other than a stockholder actually resident in the City of Quebec, or within nine miles of the said City, and holding at least forty shares of the capital stock of the said Bank wholly paid up, and being a natural-born or naturalized subject of Her Majesty, and who shall have resided at least seven years in this Province, and in any of the above cases shall have resided three years consecutively in the City of Quebec, shall be capable of being chosen or elected a Director in the said Bank, or shall serve as such.

Qualification of Directors.

11. If at any time it shall happen that an election of Directors shall not be made or take effect on the day when, by this Act, it ought to be made and take effect, the said corporation shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election, at a general meeting of the shareholders to be called for that purpose; and the Directors in office, when such failure of election shall take place, shall remain in office until such election shall be made.

Failure of election not to dissolve the Corporation.

Directors to continue.

12. The Directors for the time being shall appoint cashiers, managers, agents, clerks, and other officers and servants as shall be necessary for conducting the business of the Bank, and allow them reasonable compensation for their services; Provided always, that no person so appointed shall be permitted to enter upon the duties of his office until he shall have given bond or other sufficient security, to the satisfaction of the Directors, with condition for good and faithful behavior, that is to say, the chief cashier in a sum not less than five thousand pounds currency, and every other cashier, agent, clerk or other officer and servant, in such sum as the Directors shall deem commensurate with the trust to be in him reposed.

Directors to appoint Bank officers and servants.

Proviso: they shall exact security.

Service of process, &c., on the Bank.

13. In all and every suit or suits at law, which at any time hereafter may be instituted by or on the part of any person or persons against the said Bank, service of process upon the President or Vice-president of the same for the time being, or at any of the offices or agencies of the said Bank, shall, to all intents and purposes, be sufficient to compel the said Bank or corporation to appear and to plead to such suit or suits at law; any law, usage or custom to the contrary in any wise notwithstanding: and all and every suit or suits at law which at any time may be instituted by or on behalf of the said Bank against any person or persons, body or bodies politic or corporate, shall be instituted and prosecuted by the President and Directors of the said Bank, for the time being, for and in the name of the said Bank.

Suits to be conducted by the Directors.

Directors only may inspect the Bank Books.

14. The books, correspondence and funds of the said Bank shall at all times be subject to the inspection of the Directors, but no Shareholder not being a Director, shall inspect or be allowed to inspect the account of any person dealing with the Bank.

Quorum of Directors.
President.

15. At all the meetings of the Directors, not fewer than four of them shall constitute a board or quorum for the transaction of business, and at every such meeting the President, or in his absence the Vice-President, or in their absence one of the Directors present, chosen *pro tempore*, shall preside; and the President, Vice-President, or President *pro tempore* so presiding, shall vote as a Director, and if there be an equal division on any question, shall also have a casting vote.

Casting vote.

Directors to make By-laws, &c.

16. It shall be lawful for the Directors of the said Bank from time to time to make, establish, and put into execution, such By-laws, rules and regulations (the same not being contrary to this Act, or to any laws in force in this Province) as may appear to them necessary or expedient for the management of the affairs of the said Bank, and they may from time to time alter or repeal the same or any of them; and such By-laws, rules and regulations so made, altered or repealed by the Directors for the time being, shall be submitted to the Shareholders for their approval at any General Meeting called as hereinafter prescribed, or at any Annual Meeting; Provided always, that at least six weeks' public notice shall have been previously given of the intention of the Directors to submit such By-laws, rules and regulations or the repeal or alteration thereof, at such meeting for confirmation or revision; and no new By-law, rule or regulation shall have any force until so confirmed, in which notice however it shall not be necessary to embody the proposed new By-law, rule or regulation; And provided always, that the present By-laws, rules or regulations of the Bank, in so far as they are not repugnant to this Act, or to law, shall continue in force until altered or repealed.

Approval by Stockholders required.

Proviso: notice.

Proviso: present By-laws continued.

17. A general meeting of the Shareholders of the Bank shall be held at the Bank, in the City of Québec, on the first Monday in the month of June in every year, for the purpose of electing Directors, and for all other the general business of the Bank and purposes of the Bank; and at every such annual meeting the Directors shall submit a full and clear statement of the affairs of the Bank.

Annual general meeting of Shareholders.

18. The Shareholders may, by a By-law, appropriate a sum of money from the general funds of the Bank, to the remuneration of the services of the President and Directors, as such; and the President and Directors may annually apportion the same among themselves, in such manner or according to such rule, as they, in each year, shall see fit. No Director shall, during his service as such, act as a private banker or as a director, manager, or officer of any other bank or banking company, either public or private.

Remuneration of President and Directors.

No Director to be a Banker, &c.

19. Any number of Stockholders, not less than twenty-five, who together shall be proprietors of five hundred shares of the capital stock of the said Bank, shall have power at any time, by themselves or their proxies, to call a general meeting of the Stockholders, for purposes relating to the said Bank, giving at least six weeks' notice thereof in at least one of the newspapers published in the City of Québec, and specifying in such notice the time and place of such meeting, with the object or objects thereof; and the Directors of the said Bank for the time being, or any four of them, shall have the like power at any time (upon their observing the like formalities,) to call a general meeting as aforesaid; And if the object of such meeting to be called by the Stockholders or Directors as aforesaid, shall be to consider of the proposed removal of the President or Vice-President, or a Director or Directors, for maladministration, then and in such case the person or persons whom it shall be proposed to remove, shall, from the day from which such notice shall be first published, be suspended from the execution of the duties of his or their offices; And if it be the President or Vice-President whose removal shall be proposed as aforesaid, his place shall be filled up by the remaining Directors, who shall appoint a Director to serve as such President or Vice-President during the time such suspension shall continue.

Calling and holding special general meetings.

Provision if the object be the removal of any Director, &c.

And if a President or Vice President.

20. The number of votes to which each stockholder or stockholders, co-partnership, body politic or corporate, holding stock in the said Bank, shall be entitled, on every occasion when in conformity to the provisions of this Act, the votes of the members of the said Bank are to be given, shall be in the proportions following, that is to say: for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one

Scale of votes at general meetings.

Voting by proxy.

Proviso : Shares must have been held three months.

Proviso : aliens not to vote.

Servants of the Bank not to vote or hold proxies.

Form of transfers of stock.

To be registered.

Debts to the Bank must be first discharged.

By what declaration, &c., the transmis-

vote, making ten votes for thirty shares ; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares ; for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares ; but no person or persons, co-partnership, body politic or corporate, being a member or members of the said Bank, shall be entitled to a greater number than twenty votes ; And all stockholders resident within this Province or elsewhere, may vote by proxy, if he, she or they shall see fit, provided that such proxy be a stockholder, and do produce an authority from his constituent or constituents for so representing and voting for him, her or them, according to the form A to this Act annexed ; Provided always, that no share or shares of the Capital Stock of the said Bank, shall confer a right of voting either in person or by proxy, which shall not have been held during three calendar months at least, prior to the day of election or general meeting when the votes of the stockholders are to be given ; and when two or more persons are the joint owners of any part of the said stock, it shall be lawful that one person only be empowered by letter of attorney from the other owners, or a majority of them, to represent the said stock and to vote accordingly ; And provided also, that no stockholder, not a natural-born or naturalized subject of Her Majesty, shall either in person or by proxy, vote at any election or vote at or assist in calling any meeting of the stockholders, any thing in this Act, or in any law or usage to the contrary notwithstanding.

21. No cashier, manager, agent, clerk or other officer or servant of the Bank shall vote either in person or by proxy at any meeting for the election of Directors, nor hold a proxy for the purpose.

22. Any share of the Capital Stock of the said Bank shall be held to be personal estate and be transmissible accordingly, and also shall be assignable and transferable at the Bank according to the form of Schedule B, annexed to this Act, but no transfer shall be valid and effectual unless it be made and registered in a book to be kept at the Bank for that purpose, and be therein accepted by the party to whom the transfer shall be made, or his lawful attorney, nor shall any assignment or transfer be valid or effectual, or be made or allowed, until the person or persons making the same shall have previously discharged all his, her or their debts and liabilities to the Bank, exceeding in amount the value of the remaining shares, if any, belonging to such person or persons ; and in no case shall any fractional part of a share or shares, or other than a complete share or shares be assignable or transferable.

23. The transmission of the interest on any share of the Capital Stock of the said Bank, in consequence of the death, bankruptcy or insolvency of a shareholder, or of the marriage of

of a female shareholder or by any other lawful means than an ordinary transfer under the preceding section, shall be authenticated by a declaration in writing made and signed by the party claiming the transmission, or his lawful attorney, or in such other manner as the Directors may require; every such declaration shall distinctly state the manner in which, and the party to whom the transmission has been made, and shall be by such party making and signing the same, acknowledged before a Judge of a Court of Record, or before the mayor, provost, or chief magistrate of a City, Town, Borough, or other place, or before a notary public, or before a cashier, manager, or local agent of the Bank, at the place where the same shall be made and signed, and when so signed and acknowledged shall be left with the cashier, manager, or other officer, or agent of the Bank in the City of Quebec, together with such original or officially authenticated documents or extracts as shall be necessary to substantiate the essential averments in the declaration; and thereupon the party claiming and proving the transmission shall be entitled to have his name duly recorded in the register of shareholders, in lieu of the name of the original shareholder from whom the share was transmitted, and until such transmission shall have been authenticated as aforesaid, no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share, as the holder thereof, and any person wilfully making a false declaration, shall, on conviction, be deemed guilty of a misdemeanor, and be punished accordingly: Provided always, that every such declaration and instrument, as by this and the following sections of this Act is required to perfect the transmission of a share or shares of the said Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other accredited representative of the British Government in the country where the declaration shall be made: And provided also, that nothing herein contained shall be held to debar the Bank, or the directors, cashier, manager, or other officer or agent of the Bank, from requiring further corroborative evidence of any essential fact or facts alleged in such declaration, or touching the transmission claimed by, or the identity of the party claiming the same.

tion of shares otherwise than by regular transfer shall be authenticated.

Proviso: as to declaration made in foreign parts.

Proviso: further evidence may be required.

24. If the transmission of any share of the capital stock of the said Bank be by virtue of the marriage of a female shareholder, the declaration of transmission shall be made and signed by such female shareholder and her husband; and such declaration shall contain a copy of the register of such marriage, and other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and it shall be competent to them to include therein a declaration to the effect that the share transmitted is the sole property

As to transmission of shares by marriage, will or intestacy.

property and under the sole control of the wife, that she may receive and grant receipts for the dividends and profits accruing in respect thereof and dispose of and transfer the share itself, without requiring the consent or authority of her husband, and such declaration shall be binding on the Bank and the parties making the same until the said parties shall see fit to revoke it by a written notice to that effect to the Bank, and further the omission of a statement in any such declaration that the wife making the same is duly authorized by her husband to make the same, shall not cause the declaration to be deemed either illegal or informal, any law or usage to the contrary notwithstanding; and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, the probate of the will or the letters of administration or of curatorship or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier, Manager or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled to such transmission in the register of shareholders.

Bank not bound to see to trusts.

25. The Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any shares of the Stock of the said Bank may be subject; and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties shall, from time to time, be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust; and the Bank shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

What business only the Bank shall be engaged in.

26. The Bank shall not either directly or indirectly acquire or hold any real estate other than such as by the second section it is authorized to acquire and hold, nor any ship or other vessel, nor any share of their own capital stock, or of the capital stock of any other incorporated or unincorporated Company; nor shall the Bank, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation of any real estate, or of any share of their own capital stock, or of any goods, wares or merchandize, nor shall the Bank, either directly or indirectly, raise loans of money or deal in buying, selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities for money, and in such trade generally as legitimately appertains to the business of Banking: Provided always, that the said Corporation may take and hold mortgages and hypothecs on real estate in this Province, and on ships or other vessels and security

Proviso: as to security for debts pre-

security on personal property, by way of additional security for debts contracted to the Bank in the course of their dealings; and also for such purpose may purchase and take any outstanding mortgages, judgments or other charges upon the real or personal property of any debtor of the Bank.

27. The aggregate amount of discounts and advances made by the said Corporation upon commercial paper or securities bearing the name of any Director or officer, or the copartnership name or firm of any Director of the said Bank, shall not at any one time exceed one-twentieth of the total amount of discounts or advances made by the said corporation at the same time.

Discounts to Directors, &c., not to exceed one twentieth of the whole.

28. The Bank may allow and pay interest, not exceeding the legal rate in this Province, upon moneys deposited in the Bank; and in discounting promissory notes, bills or other negotiable securities or paper, may receive or retain the discount thereon at the time of discounting or negotiating the same; and when notes, bills or other negotiable securities or paper are *bonâ fide* payable at a place within this Province, different from that at which they are discounted, the Bank may also, in addition to the discount, receive or retain an amount not exceeding one half per centum on the amount of every such note, bill or other negotiable security or paper, to defray the expenses of agency and exchange attending the collection of every such note, bill or other negotiable security or paper; and the Bank may charge any note or bill held by and payable at the Bank against the deposit account of the maker of such note or the acceptor of such bill, at the maturity thereof; any law, usage or statute to the contrary notwithstanding.

Bank may retain discount, &c.

May charge a premium in certain cases.

May charge notes, &c., against certain deposit accounts.

29. The bonds, obligations and bills obligatory and of credit of the said Bank, under its common seal, and signed by the President or Vice-President, and countersigned by a Cashier (or Assistant Cashier) thereof, which shall be made payable to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring and maintain an action or actions thereon, in his, her or their own name or names, and signification of any assignment by endorsement shall not be necessary, any law or usage to the contrary notwithstanding: and bills or notes of the said Bank signed by the President, Vice-President, Cashier or other officer appointed by the Directors of the said Bank to sign the same, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the corporate seal of the said Bank, shall be binding and obligatory upon it, in the like manner and with

Certain bonds, &c., of the Bank, assignable by indorsement.

Bills, &c., valid though not under seal.

the

Assignable by delivery in certain cases.

Proviso: Directors may authorize any officer to sign notes.

the like force and effect as they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity: Provided always, that nothing in this Act shall be held to debar the Directors of the said Bank from authorizing or deputing from time to time, any Cashier, Assistant Cashier, or Officer of the Bank, or any Director other than the President or Vice-President, or any Cashier, Manager or local Director of any branch or office of discount and deposit of the said Bank, to sign the bills or notes of the Corporation intended for general circulation, and payable to order or bearer on demand.

Recital.

Signature of Bank notes may be impressed by machinery.

30. And whereas it may be deemed expedient that the name or names of the person or persons intrusted and authorized by the Bank to sign bank notes and bills on behalf of the Bank, should be impressed by machinery, in such form as may from time to time be adopted by the Bank, instead of being subscribed in the handwriting of such person or persons respectively; And whereas doubts may arise respecting the validity of such notes: Be it therefore declared and enacted, that all bank notes and bills of the said Bank, whereon the name or names of any person or persons intrusted or authorized to sign such notes or bills on behalf of the Bank, shall or may become impressed by machinery, provided for that purpose by or with the authority of the Bank, shall be held and taken to be good and valid to all intents and purposes as if such notes and bills had been subscribed in the proper handwriting of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be deemed and taken to be bank notes or bills within the meaning of all laws and statutes whatever; and shall and may be described as bank notes or bills in all indictments and other criminal proceedings whatsoever, any law, statute or usage to the contrary notwithstanding.

Bank notes to be payable at place of date.

31. The notes or bills of the said Bank made payable to order or to bearer, and intended for general circulation, whether the same shall issue from the chief seat or place of business of the said Bank in the City of Quebec, or from any of its branches, shall be payable on demand in specie at the place where they bear date.

Suspension of payment for sixty days to forfeit charter.

32. A suspension by the said Bank, either at its chief place of business in the City of Quebec, or at any of its branches or offices of discount and deposit at any other place in this Province, of payment on demand in specie of the notes or bills of the said Bank, payable there on demand, shall, if the time of suspension extend to sixty days consecutively, or at intervals within twelve consecutive months, operate as and be a forfeiture of its charter and all and every the privileges granted to it by this or any other Act.

33. The total amount of the bank notes and bills of the Bank of all values in circulation at any one time, shall never exceed the aggregate amount of the paid up Capital Stock of the Bank, and the gold and silver coin and bullion and debentures or other securities reckoned at par, issued or guaranteed by the Government, under the authority of the Legislature of this Province, on hand; and of the bank notes and bills in circulation at any one time, not more than one-fifth of the said aggregate amount shall be in bank notes or bills under the nominal value of one pound currency each; but no bank note or bill under the nominal value of five shillings shall be issued or put in circulation.

Total amount of Bank notes limited.

And of those under £1.

None under 5s.

34. The total amount of the debts which the said Bank shall at any one time owe, whether by bond, bill, note, or otherwise, shall not exceed three times the aggregate of its capital stock paid in, and the deposits made in the Bank in specie and Government securities for money; and in case of excess, or in case the total amount of the bills or notes of the said Bank payable to order or bearer on demand, and intended for general circulation, shall at any time exceed the amount hereinbefore limited, the said Bank shall forfeit its charter, and all the privileges granted to it by this or any other Act, and the Directors under whose administration the excess shall happen shall be liable jointly and severally for the same in their private capacity, as well to the shareholders as to the holders of the bonds, bills and notes of the said Bank, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators or curators of them or any of them, and be prosecuted to judgment and execution according to law; but such action or actions shall not exempt the said Bank, or its lands, tenements, goods or chattels from being also liable for such excess; Provided always, that if any Director present at the time of contracting any such excess of debt do forthwith, or if any Director absent at the time of contracting any such excess of debt, do, within twenty-four hours after he shall have a knowledge thereof, enter on the minutes or register of the Bank his protest against the same, and do within eight days thereafter publish such protest in at least two newspapers, published in the City of Quebec, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators or curators, from the liability aforesaid, any thing herein contained, or any law to the contrary notwithstanding; Provided always, that such publication shall not exonerate any Director from his liability as a Shareholder.

Total liabilities of the Bank limited.

Forfeiture of charter for excess, and liability of Directors.

Proviso: how only the Directors may avoid such liability.

Proviso.

35. In the event of the property and assets of the said Bank becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of its stock, in their private or natural capacities, shall be liable and responsible for the deficiency, but to no greater extent than double the amount

Limitation of liability of Shareholders in case of insolvency of the Bank.

amount of their respective shares, that is to say: the liability and responsibility of each shareholder to the creditors of the said Bank shall be limited to a sum of money equal in amount to his stock therein, over and above any instalment or instalments which may be unpaid on such stock, for which he shall also remain liable and shall pay up; Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the said Bank hereinbefore mentioned and declared.

Proviso.

Shares to be personalty, and liable to seizure and sale as other personals.

36. The share and shares and dividends of the shareholders in the said Bank shall be held and adjudged to be personal property, and as such shall be liable to *bonâ fide* creditors for debts, and may be attached and sold under writs of attachment and execution issued out of Her Majesty's Courts in this Province, in like manner as other personal property may be attached and sold under writs of attachment and execution; and in cases where an attachment may issue for attaching the said share or shares, and dividends, the same shall be served on the cashier of the said Bank, who shall be held to appear in Court and answer upon such writ of attachment according to the laws of this Province, and declare the number of shares of stock and the amount of dividends belonging and due to the person or persons against whom such attachment shall have been obtained; and when the said shares shall have been sold upon a writ of execution, the Sheriff, by whom such writ or writs shall have been executed, shall, within thirty days after the sale, leave with the cashier of the said Bank an attested copy of the said writ or writs of execution, with the certificate of such Sheriff indorsed thereon, and certifying to whom the sale of such share or shares under the said writ or writs of execution has been made, and thereupon (but not until after all debts due and liabilities contracted by the original holder or holders of the said shares to the Bank shall have been discharged as hereinbefore provided,) the President or Vice-President or Cashier of the said corporation shall execute the transfer of the share or shares so sold to the purchaser, and such transfer being duly accepted, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the original holder or holders of the said shares, any law or usage to the contrary notwithstanding.

Transfer of shares sold under execution.

Bank to invest one tenth of its paid up capital in Provincial securities.

37. It shall be the duty of the Directors of the said Bank to invest and keep invested at all times in debentures of this Province, payable within the same, or secured on the consolidated Municipal Loan Fund, one tenth part of the whole paid up capital of the Bank, and to make a return of the numbers and amount of such debentures, verified by the oaths and signatures of the President and Cashier, or Manager of the said Bank, to the Inspector General, in the month of January of each year, under the penalty of the forfeiture of the charter of the said Bank, in default of such investment and return; Provided always,

Proviso.

always, that the said Bank shall not be bound to invest any portion of its capital in debentures under the provisions of this section, unless it shall have availed itself of the power to increase its capital stock; and such investment shall, in the case of any increase of capital, be made on the whole capital of the said Bank, including the amount of the original capital, and the amount of such increase.

38. Besides the detailed statement of the affairs of the said Bank, hereinbefore required to be laid before the Stockholders thereof at their annual general meeting, the Directors shall make up and publish, on the first Monday in each and every month, statements of the assets and liability of the said Bank, in the form of Schedule C, to this Act annexed, shewing under the heads specified in the said form the average amount of the notes of the Bank in circulation, and other liabilities, at the termination of the month to which the statement shall refer, and the average amount of specie and other assets, that at the same times were available to meet the same; and it shall be the duty of the Directors to submit to the Governor of this Province, if required, a copy of such monthly statements, and if by him required to verify all or any part of the said statements, the Directors shall verify the same by the production of the weekly or monthly balance-sheets from which the said statements shall have been compiled; and furthermore the said Directors shall, from time to time, when required, furnish to the said Governor of this Province such further reasonable information respecting the state and proceedings of the said Bank, and of the several branches and offices of discount and deposit thereof, as such Governor of this Province may reasonably see fit to call for; Provided always, that the weekly or monthly balance-sheets, and the further information that shall be so produced and given, shall be held by the said Governor of this Province as being produced and given in strict confidence that he shall not divulge any part of the contents of the said weekly or monthly balance-sheets, or of the information that shall be so given: And provided also, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them, to make known the private account or accounts of any person or persons whatever having dealings with the said Bank.

Statement of affairs to be published monthly.

Copy to Governor:

How attested.

Governor may require further information.

Proviso: further information to be confidential.

Proviso: private accounts not to be divulged.

39. It shall not be lawful for the said Bank, at any time whatever, directly or indirectly, to advance or lend to or for the use of, or on account of any foreign Prince, Power or State, any sum or sums of money, or any securities for money; And if such unlawful advance or loan be made, then and from thenceforth the said corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages, granted to it by this or any other Act, shall cease and determine.

Bank not to lend money to any foreign state, &c.

Penalty.

Public notices
how to be
given.

40. The several public notices hereby required to be given shall be given by advertisement in two or more of the newspapers published in the City of Quebec, and in the official newspaper called the *Canada Gazette*.

Punishment
of embezzle-
ment, &c., by
Bank officers.

41. If any Officer, Cashier, Assistant Cashier, Manager, Clerk, or Servant of the said Bank, shall secrete, embezzle or abscond with any bond, obligation, bill obligatory or of credit, or other bill or note, or with any security for money, or any money or effects, intrusted to him as such Cashier, Assistant Cashier, Manager, Clerk, or Servant, whether the same belong to the said Bank, or belonging to any other person or persons, body politic or corporate, or institution or institutions, be lodged or deposited with the said Bank, the Officer, Cashier, Assistant Cashier, Manager, Clerk, or Servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

Punishment
of felony un-
der this Act.

42. Every person convicted of felony under this Act, shall be punished by imprisonment at hard labor in the Provincial Penitentiary, for any term not less than two years, or by imprisonment in any other Gaol or place of confinement, for any less term than two years, in the discretion of the Court before which he shall be convicted.

Power to
search for
forged notes
or machinery
used in forg-
ing.

43. It shall and may be lawful to and for any Justice of the Peace, on complaint made before him, upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is or are, or hath or have been concerned in making or counterfeiting any false bills of exchange, promissory notes, undertakings or orders of the said Bank, or hath in his possession any plates, presses, or other instruments, tools, or materials for making or counterfeiting the same or any part thereof, by warrant under the hand of such Justice, to cause the dwelling-house, room, workshop or out-house or other building, yard, garden, or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on any such making or counterfeiting, to be searched; and if any such false bills of exchange, promissory notes, undertakings or orders, or any plates, presses, or other tools, instruments, or materials, shall be found in the custody or possession of any person or persons whomsoever, not having the same by lawful authority, it shall and may be lawful for any person or persons whomsoever discovering the same, to seize, and he or they are hereby authorized and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings or orders, and such plates, presses or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District (or if more convenient, of the adjoining County or District) in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid in

How to be
dealt with if
found.

some

some Court of Justice proper for the determination thereof, and the same, after being so produced in evidence, shall, by order of the Court, be defaced or destroyed, or otherwise disposed of as such Court shall direct.

44. Nothing in this Act contained shall in any manner derogate from or affect or be construed to derogate from or affect the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any body or bodies politic or corporate, except in so far as the same may be specially derogated from or affected by the provisions of this Act. Saving of rights of the Crown, &c.

45. This Act shall be held and taken to be a Public Act, and shall be known as the "Charter of the Quebec Bank," and the Interpretation Act shall apply thereto. Public Act, Short Title, &c.

46. This Act, and so much of the Royal Charter and of the Acts mentioned in the Preamble as is not repealed by this Act, shall be and remain in force until the first day of January, which will be in the year one thousand eight hundred and seventy, and from that time until the end of the then next session of the Parliament of this Province, and no longer. Duration of this Act, &c.

47. The foregoing sections of this Act shall have force and effect, upon, from and after the first day of January, in the year of our Lord, one thousand eight hundred and fifty-nine, and not before, and the said sections only shall be understood as intended by the words "this Act," whenever in any of them the time this Act shall be in force is mentioned. Commencement of this Act.

FORM A.

STOCK OF THE QUEBEC BANK.

Power of Attorney to accept transfers, receive dividends, sell and vote.

Know all men by these presents, that I, (or we,) _____, of _____, do make, constitute and appoint _____, of _____, my (or our) true and lawful attorney, for me (or us), in my (or our) name, and on my (or our) behalf, to accept all such transfers as are, or may hereafter, be made unto me (or us), of any interest or share in the capital or joint stock of the Quebec Bank, to receive and give receipts for all dividends that are now due, and that shall hereafter become due and payable for the same, for the time being; to sell, assign and transfer all or any part of my (or our) said stock, to receive the consideration money, and give a receipt or receipts for the same, and to vote at all elections, and generally to do all lawful acts requisite for effecting the premises; hereby ratifying and confirming all that my (or our) said Attorney shall do therein, by virtue hereof.

In

In witness thereof, I (or we) have hereunto set my (or our) hand and seal, (or hands and seals,) at _____, this _____ day of _____, in the year of our Lord, one thousand eight hundred and _____.

Signed and sealed in the presence of _____.

FORM B.

For value received from _____, of _____, I (or we) do hereby assign and transfer unto _____, of _____, shares, on each of which has been paid _____ pounds, _____ shillings currency, in the capital stock of the Quebec Bank, subject to the rules and regulations of the said Bank.

Witness _____ hand _____, at the said Bank, this _____ day of _____, one thousand eight hundred and _____.

Witness _____, I (or we) do hereby accept the foregoing assignment _____ shares in the stock of the Quebec Bank, assigned to _____, as above mentioned, at the Bank, this _____ day of _____, one thousand eight hundred and _____.

FORM C

Referred to in the foregoing Act.
Return of the average amount of Liabilities and Assets of the Quebec Bank, on the _____ 18 _____.

LIABILITIES.

Promissory Notes in circulation not bearing interest,	\$
Bills of Exchange in circulation not bearing interest,	\$
Bills and Notes in circulation bearing interest.....	\$
Balances due to other Banks.....	\$
Cash deposits, not bearing interest.....	\$
Cash deposits, bearing interest.....	\$
Total liabilities.....	\$

ASSETS.

Coin and Bullion.....	\$
Landed or other property of the Bank.....	\$
Government securities.....	\$
Promissory Notes or Bills of other Banks.....	\$
Balance due from other Banks.....	\$
Notes and Bills discounted.....	\$
Other debts due to the Bank, not included under the . foregoing heads.....	\$
Total assets.....	\$

C A P . C X X V I I I .

An Act further to alter and amend the Charter of the Colonial Bank of Canada.

[Assented to 16th August, 1858.]

WHEREAS the Colonial Bank of Canada have by their Preamble.
Petition, prayed for further alterations and amendments to their Charter, and it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The thirteenth section of the Act of Incorporation of the said Bank, passed in the session held in the nineteenth and twentieth years of Her Majesty's Reign, and generally all such parts of the said Act, or of the amendment to the said Act passed in the twentieth year of Her Majesty's Reign, and chaptered one hundred and sixty-one, as may be inconsistent with or repugnant to the provisions of this Act, shall be and are hereby repealed. Sections of 19, 20 V. c. 123, and 20 V. c. 161, inconsistent with this Act, repealed.

2. The chief place or seat of business of the said Bank shall be in the City of Toronto, or in the City of Montreal, as may be determined by a majority of the Stockholders, at the next General Meeting for the Election of Directors to be held in the city of Toronto under the provisions of the said Act of Incorporation ; and all acts, matters or things specified or required in the original Act, or in the amendment thereto, to be done or transacted at the City of Toronto, shall be done and transacted at whichever of the above places may be selected as aforesaid for the chief seat of business ; Provided always, that it shall and may be lawful for the Directors of the said Bank to open and establish in other cities, towns and places in this Province, branches and agencies or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same, as to the said Directors shall from time to time seem meet, and shall not be repugnant to any law of this Province, to this Act, or to the By-laws of the said Bank. Chief place of business of the Bank to be at Toronto or Montreal, as may be determined by a majority of the Stockholders at their next general meeting.
Proviso: that offices may be opened in other cities and towns in this Province.

3. The number of Directors for the management of the said Bank shall be seven instead of five, as provided for by the third section of the said amendment to the said Act. Number of Directors to be seven instead of five.

4. This Act shall be deemed a Public Act. Public Act.

CAP. CXXIX.

An Act to alter and amend the Act incorporating the Zimmerman Bank, and to change its corporate name to the "Bank of Clifton."

[Assented to 16th August, 1858.]

Preamble.

WHEREAS the corporation now called and known as "The Zimmerman Bank," constituted under and by virtue of the Act of the Legislature of this Province, passed in the eighteenth year of Her Majesty's Reign, chaptered two hundred and three, hath by its Petition prayed for certain alterations and amendments of the powers and privileges thereby conferred, and that the corporate name of the Bank may be altered as hereinafter mentioned; And whereas it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Inconsistent portions of Act 18 V. c. 203, repealed.

1. So much of the Act hereinbefore cited as may be inconsistent with or repugnant to the provisions of this Act, or as makes any provision in any matter provided for by this Act, other than such as is hereby made, shall be and is hereby repealed.

Name of Corporation changed to "Bank of Clifton."

2. The corporation hereinbefore mentioned shall hereafter be called and known as *The Bank of Clifton*, which shall be the corporate name thereof, instead of *The Zimmerman Bank*; but such change of name shall not be construed to make the said corporation a new corporation, or in any way to affect any right or liability thereof, or any suit, action or proceeding pending at the time when this Act shall come into force, but the name assigned to the said Corporation shall be substituted, as of course, for its former name, in any subsequent record, document or writing, in such suit, action or proceeding.

Corporation continued, with all its rights, &c., under new name.

3. The said Corporation shall, by the name hereby assigned to it, and during the time this Act shall remain in force, continue to have all, each and every of the rights, powers and authority, in and by the Act hereinbefore cited, or any of them, conferred upon or vested in it, subject always to the provisions of this Act; and shall continue to have perpetual succession and a common seal, with power to break, renew, change and alter the same at pleasure, and shall be capable of suing and being sued, pleading and being impleaded in all Courts of Law and Equity and other places, in all manner of actions, causes and matters whatsoever.

Time for subscription and

4. For and notwithstanding any thing in the fourth section of the said recited Act, the third instalment of fifty thousand pounds

pounds therein mentioned, as payable within four years from the passing of the said recited Act, shall be subscribed and paid up within three years from the passing of this Act, and the remaining sum of one hundred thousand pounds therein stated, as payable within five years from the passing of the said recited Act, shall be subscribed for and paid up within four years from the passing of this Act, making in all the chartered capital of two hundred and fifty thousand pounds currency, in default whereof the privileges granted by this Act, and the said recited Act, shall cease and be forfeited.

payment of certain instalments of stock extended.

5. The notes or bills of the said Bank, made payable to order or to bearer, and intended for circulation, whether the same shall issue from the chief seat or place of business of the said Bank, in the Town of Clifton, or from any of its branches, shall be payable on demand in specie, at the place where they bear date.

Notes and bills to be redeemable at place where they bear date.

6. The total amount of bank notes and bills of the Bank of all values in circulation at any one time shall never exceed the aggregate amount of the paid up capital stock of the Bank, and the gold and silver coin and bullion and debentures or other securities reckoned at par, issued or guaranteed by the Government under the authority of the Legislature of this Province, on hand; and the bank notes and bills in circulation shall be of whatsoever value the Directors may think fit to issue the same; but no bank note or bill of the Bank under the nominal value of five shillings shall be issued or put in circulation.

Notes and bills in circulation never to exceed aggregate of stock and of specie and securities.

No note under 5s.

7. This Act, and so much of the said Act mentioned in the preamble as is not repealed by this Act, shall be and remain in force until the first day of June, which will be in the year of our Lord, one thousand eight hundred and seventy, and from that time until the end of the then next Session of the Parliament of this Province, and no longer.

This Act and what remains of 18 V. c. 203, to continue in force until 1st June, 1870, &c.

C A P . C X X X .

An Act to amend the Charter of the International Bank of Canada.

[Assented to 16th August, 1858.]

WHEREAS the International Bank of Canada have by their petition prayed for certain amendments to their Charter, the better to enable them to go into operation, and it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The fourth, sixth, seventh, tenth, sixteenth, seventeenth and twenty-eighth sections of the Act to incorporate the International Bank of Canada, passed in the Session held in the twentieth

Certain sections of 20 V. c. 162, repealed.

twentieth year of Her Majesty's Reign, and generally all such parts of the said Act as may be inconsistent with or repugnant to the provisions of this Act, or make provision for any matters provided for other than such as is hereby made, shall be and are hereby repealed.

2. The shares of the Capital Stock subscribed for shall be paid in and by such instalments and at such times and places as the said Directors shall appoint ; and Executors, Administrators and Curators, paying instalments upon the shares of deceased Shareholders, shall be and they are hereby respectively indemnified for paying the same ; Provided further, it shall not be lawful for the subscribers to the Capital Stock to commence the business of banking until the sum of twenty-five thousand pounds shall have been paid in ; Provided further, that the said Capital Stock shall be subscribed for and paid up as follows, that is to say : the sum of fifty thousand pounds within four years, the further sum of fifty thousand pounds within five years, and the further sum of one hundred and fifty thousand pounds within six years after the Bank shall have so commenced the business of banking ; Provided further, it shall not be obligatory upon the said Bank to raise a larger amount of the Capital Stock hereby allowed than two hundred thousand pounds.

Shares and calls how to be subscribed for and paid.

Proviso.

Proviso.

Proviso.

Chief place of business.

Branches.

3. The chief place or seat of business of the said Bank shall be either at Cayuga or Toronto, or elsewhere, according as a majority of the Stockholders shall determine at a meeting called for that purpose ; and it shall and may be lawful for the Directors of the Bank to open and establish in other Cities, Towns and places, branches or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same as to the said Directors shall from time to time seem meet, and shall not be repugnant to any law of this Province, to this Act, or to the By-laws of the said Bank.

Five Directors to be elected yearly, and when.

Notice.

Proxies.

Ballot.

4. The stock, property, affairs and concerns of the said Bank shall continue to be managed and conducted by five Directors, one of whom shall be President, who shall hold their offices for one year, which Directors shall be Stockholders residing in the Province, and be elected on the second Monday in January, in every year, after such first election, at such times of the day and at such place as a majority of the Directors, for the time being, shall appoint ; and public notice shall be given by the said Directors, as herein provided, previous to the time of holding said election ; and the said election shall be held and made by such of the Stockholders of the said Bank as shall attend for that purpose in their own proper person, or by proxy resident within this Province ; and all elections for Directors shall be by ballot, and the said proxies shall only be capable of being held by and voted upon by Shareholders then present, and the number

number of votes which the Stockholders of the said Bank shall respectively be entitled to give at the said meetings, shall be one vote for every share ; and the five persons who shall have the greatest number of votes at any election shall be the Directors ; and if it shall happen at any election that two or more persons have an equal number of votes, in such manner that a greater number of persons than five shall by a plurality of votes appear to be chosen as Directors, then the Directors who shall have a greater number of votes, or a majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of five ; and the said Directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot two of their number, to be their President and Vice-President ; Provided always, that Stockholders not residing within the Province of Canada shall be ineligible, and if any Director shall depart from and live out of this Province, his office shall be considered as vacant ; and if any vacancy or vacancies should at any time happen amongst the said Directors, by death, resignation, disqualification or removal during the current year of office, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by the remaining Directors, or the majority of them, electing in such place or places a Stockholder eligible for such office ; Provided always, that no person shall be eligible to be or continue as Director unless he shall hold in his name and for his own use stock in the said Bank to the amount of twenty shares ; and no Director of the Bank shall act as a Private Banker ; Provided further, that the provision, in case of failure of an election of Directors, contained in the eighth section of the said Act of incorporation, shall apply to this Act as if the same had been incorporated herewith. Provided always, that no President, Director or other Officer of the said Company shall hold any proxy from any Shareholder, or act as proxy at any election of Directors of the said Company.

Scale of votes.

Ties.

Election of President and Vice-President.

Proviso.

Vacancies among Directors how filled.

Proviso.

Proviso.

Proviso.

5. At all meetings of the said Directors, not less than three of them shall constitute a Board or Quorum for the transaction of business, and at the said meetings the President, or in his absence the Vice-President, or in their absence, one of the Directors to be chosen *pro tempore*, shall preside, and the President, Vice-President, or President *pro tempore* so presiding, shall vote as a Director, and if there be an equal division on any question, shall also have a casting vote.

Quorum of Directors.

Who shall preside at their meetings.

6. The total amount of the Bank Notes, and Bills of the Bank of all values in circulation at any one time, shall never exceed the aggregate amount of the Capital Stock paid in, and the gold and silver coin and bullion and Debentures, or other securities reckoned at par issued or guaranteed by the Government, under the authority of the Legislature of this Province, on hand, and the Bank Notes and Bills in circulation shall be

Total amount of Bank notes limited.

None to be under 5s.

Act 16 V. c. 162, to apply.

of whatever value the Directors may think fit to issue the same, but no bank note or bill of the Bank under the nominal value of five shillings shall be issued or put in circulation; Provided, that the several provisions of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to encourage the issue by the Chartered Banks of this Province of notes secured in the manner provided by the general banking law*, shall be and are hereby declared to be applicable to this Act.

Section 39 of 20 V. c. 162, amended.

7. The thirty-ninth section of the said firstly above mentioned Act shall be and is hereby amended by expunging therefrom the two provisoes to the said section.

C A P . C X X X I .

An Act to incorporate the Bank of Canada.

[Assented to 16th August, 1858.]

Preamble.

WHEREAS the Honorable William Cayley, the Honorable Joseph Curran Morrison, Angus Morrison, Esquire, the Honorable John Ross, and William Henry Boulton, and Frederick Cumberland, Esquires, all of the City of Toronto, have by their petition prayed that they and their legal representatives might be incorporated for the purpose of establishing a Bank in the City of Toronto; And whereas it would be conducive to the general prosperity of the country thereabouts, and greatly facilitate and promote the agricultural and commercial growth of the said locality; And whereas it is but just that the said persons and others who see fit to associate themselves, should be incorporated for the said purpose: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

1. The several persons hereinbefore named, and such other persons as may become shareholders in the Company to be by this Act created, and their assigns, shall be, and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of the "Bank of Canada," and shall continue such Corporation, and shall have perpetual succession under a corporate seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded in all Courts of Law as other corporations may do; and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of fifteen thousand dollars currency, and may sell, alienate or exchange the same, and acquire other instead, and may, when duly organized as hereinafter provided, make, ordain and establish such rules, regulations and by-laws as to them shall seem meet and necessary

Corporate name and powers.

Real estate limited.

necessary for the due and proper administration of their affairs and the management of the said Bank, (such by-laws, rules and regulations not being inconsistent with this Act or contrary to the laws of this Province) : Provided, however, that such by-laws, rules and regulations shall be submitted for approval to the stockholders or shareholders in the said Bank, at their regular annual meetings.

By-laws.

Proviso.

2. The Capital Stock of the said Bank (the words " the said Bank " meaning throughout this Act the corporation aforesaid,) shall be three millions of dollars divided into shares of fifty dollars, which shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns.

Capital \$3,000,000, shares of \$50 each.

3. The said Honorable William Cayley, the Honorable Joseph Curran Morrison, Angus Morrison, Esquire, the Honorable John Ross, William Henry Boulton, Esquire, and Frederick Cumberland, Esquire, shall be the Provisional Directors of the said Bank for the purpose of opening books of subscription for the Stock of the said Bank, at the City of Toronto, and at such other places as to them shall seem meet, and to receive subscriptions for the said Stock, and to do such other things relative to the said subscription and the management of the affairs of the said Bank, as it may be requisite to do before the first general meeting of the Stockholders for the election of Directors as hereinafter mentioned.

First Directors appointed—their duties.

4. As soon as the sum of one million of dollars of the said Capital Stock shall have been subscribed, and two hundred and fifty thousand dollars actually paid in thereupon, it shall and may be lawful for the subscribers, or a majority of them, to call a meeting at some place to be named in Toronto, for the purpose of proceeding to the election of the number of Directors for the said Bank, hereinafter mentioned, and such election shall then and there be made by a majority of shares voted upon, in the manner hereinafter described in respect of the annual election of Directors, and the persons then and there chosen shall be the first Directors, and shall be capable of serving until the first Monday of June, which will be in the year of our Lord, one thousand eight hundred and fifty-nine : Provided always that no such meeting of the said subscribers shall take place until a notice specifying the objects of such meeting is published in one or more newspapers published in Toronto, at least twenty days previous to such time of meeting.

Meeting for election of Directors.

Directors to serve until June, 1859.

Proviso : notice to be given.

5. The shares of the Capital Stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint ; and executors, administrators and curators paying instalments upon the shares of deceased Shareholders, shall be and they are hereby respectively indemnified for paying the same ; Provided always that

Instalments.

Proviso : ten that

per cent. payable on subscribing.

Proviso: condition precedent to commencing the business of Banking.

Proviso: within what time the full capital to be paid up.

that no share or shares shall be held to be lawfully subscribed for unless a sum equal to at least ten per centum on the amount subscribed for be actually paid at the time of subscribing; Provided further that it shall not be lawful for the subscribers to the Capital Stock hereby authorized to be raised, to commence the business of Banking until a sum not less than two hundred and fifty thousand dollars shall have been duly paid in by such subscribers; Provided further that the remainder of the said Capital Stock shall be subscribed and paid up as follows, that is to say: the sum of two hundred and fifty thousand dollars within eighteen months; the further sum of two hundred and fifty thousand dollars within three years; the further sum of five hundred thousand dollars within four years; the further sum of five hundred thousand dollars within five years, and the further sum of five hundred thousand dollars within seven years after the said Bank shall have so commenced the business of Banking, under penalty of forfeiture of their Charter.

Subscribers may pay in full, &c.

6. If any person or persons subscribing for shares of the Capital Stock of the said Bank shall also be willing to pay up at the time of subscribing the full amount of the shares subscribed for, it shall and may be lawful for the Directors of the Bank, and at any time within the period hereinbefore limited for subscribing for such stock, to admit and receive such subscriptions and full payment or payment of any number of instalments.

Forfeiture for non-payment of calls.

7. If any shareholder or shareholders shall refuse or neglect to pay any instalment upon his, her or their shares of the said capital stock at the time or times required by the Directors as aforesaid, such shareholder or shareholders shall incur a forfeiture to the use of the said Bank of a sum of money equal to ten per centum on the amount of such shares; and moreover, it shall be lawful for the Directors of the said Bank (without any previous formality other than thirty days' public notice of their intention,) to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeitures incurred on the whole; and the president with the vice-president, or the cashier of the said bank, shall execute the transfer to the purchaser of the shares of stock so sold, and such transfer being accepted shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; Provided always that nothing in this section contained shall be held to debar the directors or shareholders at a general meeting from remitting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of any instalment as aforesaid.

Sales of shares on which calls are not paid.

Proviso: forfeiture may be remitted.

8. The chief place or seat of business of the said Bank shall be in Toronto, but it shall and may be lawful for the Directors of the Bank to open and establish in other places, Towns and Cities in this Province, Branches, or Agencies, or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same as to the said Directors shall from time to time seem meet, not being repugnant to any law of this Province, to this Act, or to the By-laws of the said Bank.

Chief place of business.

Branches.

9. For the management of the affairs of the said Bank, there shall be seven Directors annually elected by the Shareholders of the capital stock thereof, at a general meeting of them to be held annually on the first Monday in June in each year following the first election, as hereinbefore mentioned; at which meetings the shareholders shall vote according to the scale or rule of votes hereinafter established; and the Directors elected by a majority of votes given in conformity to such rule or scale shall be capable of serving as Directors for the ensuing twelve months; and at their first meeting after such election the Directors shall choose out of their number a President and a Vice-President, who shall hold their offices respectively during the same period; and in case of a vacancy occurring in the said number of seven Directors, the remaining Directors shall fill the same by election from among the shareholders, and such Director so elected shall be capable of serving as a Director until the next annual general meeting of the shareholders; and if the vacancy occurring in the said number of seven Directors shall also cause the vacancy of the office of President or of Vice-President, the Directors, at their first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen or elected to be President or Vice-President shall fill the office to which he shall be so chosen or elected until the next general annual meeting of the shareholders; Provided always, that each of the Directors shall be the holder and proprietor in his own name of not less than fifty shares of capital stock of the said Bank wholly paid up, and shall be a natural-born or naturalized subject of Her Majesty; And provided also that it shall be lawful for the shareholders at any annual meeting to pass a By-law directing that four of the Directors in office at the period of such annual election shall be re-elected for the next ensuing twelve months.

Seven Directors to be elected annually by a majority of votes.

President and Vice-President.

Vacancies, how filled.

Proviso: Directors to be H. M's. subjects.

Proviso: as to re-election of Directors.

10. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the said corporation shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be called for that purpose; and the Directors in office when such failure of election shall take place shall remain in office until such election shall be made.

Proviso: if any election should fail.

Who may inspect the Bank books.

11. The books, correspondence and funds of the said Bank shall at all times be subject to the inspection of the Directors, but no shareholder not being a Director shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the said Bank.

Quorum of Directors, and who to preside.

12. At all meetings of the Directors of the said Bank, not less than three of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President, or in his absence the Vice-President, or in their absence one of the Directors present to be chosen *pro tempore* shall preside; and the President, Vice-President or President *pro tempore* so presiding shall vote as a Director only.

Casting vote of President, &c.

Directors to make By-laws for certain purposes.

13. It shall and may be lawful for the Directors of the said Bank from time to time to make and enact By-laws, Rules and Regulations (the same not being repugnant to this Act or to the Laws of this Province,) for the proper management of the affairs of the said Corporation, and from time to time to alter or repeal the same and others to make and enact in their stead; Provided always that no By-law, Rule or Regulation so made by the Directors shall have force or effect until the same shall, after six weeks' public notice, have been confirmed by the shareholders at an annual general meeting, or at a special general meeting called for that purpose.

Proviso: as to notice.

Payment of President and Directors.

14. The shareholders may by a By-law appropriate a sum of money for the remuneration of the services of the President and Directors as such, and the President and Directors may annually apportion the same among themselves as they may think fit: No Director shall act as a Private Banker.

Proviso.

Directors to appoint Bank Officers and Servants.

15. The Directors of the said Bank shall have power to appoint a Cashier, Assistant Cashier and Secretary, and Clerks and Servants under them, and such other officers as shall be necessary for conducting the business of the said Bank, and to allow reasonable compensation for their services respectively, and shall also be capable of exercising such powers and authority for the well governing and ordering of the affairs of the Corporation as shall be prescribed by the By-laws thereof; Provided always that before permitting any Cashier, Assistant Cashier, Officer, Clerk or servant of the Bank, to enter upon the duties of his office, the Directors shall require him to give bond with sureties to the satisfaction of the Directors, that is to say: Every Cashier in a sum not less than twenty thousand dollars, every Assistant Cashier in the sum of twelve thousand dollars, and every other officer, Clerk or servant in such sum of money as the Directors shall consider adequate to the trust reposed in him, with condition for good and faithful behaviour.

Proviso: security to be taken from each.

Amount.

Directors to make dividends.

16. It shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the said Bank as to them shall

shall appear advisable, and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give thirty days' public notice previously; Provided always that such dividends shall not in any manner lessen or impair the capital stock of the said Bank. Proviso.

17. The general meetings of the shareholders of the said Bank to be held annually as aforesaid, in Toronto, for the purpose of electing Directors in the manner hereinbefore provided, shall be general meetings also for all other general purposes touching the affairs and the management of the affairs of the said Bank; and at each of the said annual general meetings the Directors shall exhibit a full and clear statement of the affairs of the Bank. Statement of affairs of Bank to be exhibited at yearly meetings.

18. The number of votes which the shareholders of the said Bank shall respectively be entitled to give at their meetings shall be according to the following scale, that is to say: for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for every thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; and no shareholder shall be entitled to give a greater number of votes than twenty; and it shall be lawful for absent shareholders to give their votes by proxy, such proxy being also a shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a By-law, and which authority shall be lodged in the Bank: Provided always that a share or shares of the capital stock of the said Bank which shall have been held for a less period than three calendar months immediately prior to any meeting of the shareholders shall not entitle the holder or holders to vote at such meeting either in person or by proxy: Provided also that where two or more persons are joint holders of shares, it shall be lawful that one only of such joint holders be empowered by letter of Attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly: And provided also that no shareholder who shall not be a natural-born or naturalized subject of Her Majesty, or who shall be a subject or citizen of any Foreign Prince or State, shall, either in person or by proxy, vote at any meeting whatever of the shareholders of the said Bank, or shall assist in calling any meeting of the shareholders; any thing in this Act to the contrary notwithstanding. Scale of voting at general meetings.

19. No Cashier, Assistant Cashier, Bank Clerk or other officer of the Bank, shall vote either in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose. Vote by proxy.

Special general meetings, how called, &c.

Six weeks' notice to be given.

If the object be the removal of a Director, &c.

And if of the President or Vice-President.

Shares to be personal estate.

Transfers of shares must be registered in the Bank books.

Shares sold under execution.

Bank's lien upon shares.

20. Any number, not less than twenty-five of the shareholders of the said Bank, who together shall be proprietors of at least one hundred shares of the paid up Capital Stock of the said Bank, by themselves or their proxies, or the Directors of the said Bank, or any four of them, shall respectively have power at any time to call a Special General Meeting of the shareholders of the said Bank, to be held at their usual place of meeting in Toronto, upon giving six weeks' previous public notice thereof, and specifying in such notice the object or objects of such meeting; and if the object of any such Special General Meeting be to consider of the proposed removal of the President or of a Director or Directors of the Corporation for mal-administration or other specified and apparently just cause, then and in any such case the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall be first published, be suspended from the duties of his or their office or offices, and if it be the President or Vice-President whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors (in the manner hereinbefore provided in the case of a vacancy occurring in the office of President or Vice-President), who shall choose or elect a Director to serve as such President or Vice-President during the time such suspension shall continue to be undecided upon.

21. The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate and shall be transmissible accordingly, and shall be assignable and transferable at the chief place of business of the said Bank, or at any of its Branches which the Directors shall appoint for that purpose, and according to such form as the Directors shall from time to time prescribe; but no assignment or transfer shall be valid and effectual unless it be made and registered in a Book or Books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due or contracted, and not then due by him, her or them to the Bank, which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share or other than a whole share shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Bank an attested copy of the writ, with the certificate of such sheriff indorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts due or contracted but not then due by the original holder or holders of the said shares to the Bank shall have been discharged as aforesaid,) the President, or Vice-President, or Cashier of the Corporation shall execute the transfer of the share or shares so sold to the purchaser, and such transfer, being duly executed, shall be to all intents and purposes

purposes as valid and effectual in law as if it had been executed by the original holder or holders of the said share or shares; any law or usage to the contrary notwithstanding.

22. Shares in the capital stock of the said Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom in like manner as such shares and dividends are respectively transferable and payable at the Chief Office of the said Bank in Toronto; and to that end the Directors may from time to time make such rules and regulations and prescribe such forms, and appoint such agent or agents as they may deem necessary.

Shares may be transferred and dividends paid in the United Kingdom.

23. If the interest in any share in the said Bank become transmitted in consequence of the death or bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a Declaration in writing as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such declaration shall distinctly state the manner in which and the party to whom, such share shall have been so transmitted and shall be by such party made and signed; and every such declaration shall be, by the party making and signing the same, acknowledged before a Justice of a Court of Record, or before the Mayor, Provost or Chief Magistrate of a City, Town, Borough or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration so signed and acknowledged shall be left with the Cashier, or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the Register of Shareholders; and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission, shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share as the holder thereof; Provided always that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share in the Bank which shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited Representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul, or Vice-Consul or other accredited Representative; And provided also that nothing in this Act contained shall be held to debar the Directors, Cashier, or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

By what declaration, &c., the transmission of shares, otherwise than by regular transfer shall be authenticated.

Proviso: as to declarations made in foreign parts.

Proviso.

If the transmission be by the marriage of a female shareholder, or by will or intestacy.

24. If the transmission of any share of the said Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or Act of curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the cashier or other officer or agent of the Bank, who shall, thereupon enter the name of the party entitled under such transmission in the Register of Shareholders.

If the transmission be by the decease of a shareholder.

25. If the transmission of any share or shares in the Capital Stock of the said Bank be by decease of any Shareholder, the production to the Directors and deposit with them of any probate of the will of the deceased Shareholder, or of letters of administration of his estate granted by any Court in this Province having power to grant such probate or letters of administration, or by any prerogative, diocesan, or peculiar court or authority in England, Wales, Ireland, India, or any other British colony, or of any testamentary, or testamentary dative expedite in Scotland, or if the deceased Shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the Directors of any probate of his will or letters of administration of his property, or other document of like import granted by any Court or authority having the requisite power in such matters shall be sufficient justification and authority to the Directors for paying any dividend or transferring or authorizing the transfer of any share in pursuance of, and in conformity to such probate, letters of administration or other such document as aforesaid.

Bank not bound to see to trusts to which stock may be subject.

26. The said Bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any of the shares of its stock shall be subject; and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it stands in the name of more parties than one, the receipt of one of the parties shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust; and the Bank shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

Bank to invest one tenth of its paid up capital in provincial or municipal loan

27. It shall be the duty of the Directors of the said Bank to invest, as speedily as the Debentures hereinafter mentioned can be procured from the Receiver General, and to keep invested at all times in the Debentures of this Province, payable within the same, or secured upon the Consolidated Municipal Loan

Loan Fund, one tenth part of the whole paid up capital of the said Bank, and to make a return of the numbers and amount of such debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank to the Inspector General in the month of January in each year, under the penalty of the forfeiture of the Charter of the said Bank in default of such investment and return.

fund debentures, and to make a return thereof.

28. The said Bank shall not either directly or indirectly hold any lands or tenements (save and except such as by the first section of this Act it is especially authorized to acquire and hold), or any ships or other vessels, or any share or shares of the Capital Stock of the said Bank, or of any other Bank in this Province; nor shall the said Bank, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation (*hypothèque*) of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the said Bank, or of any goods, wares or merchandize; nor shall the said Bank, either directly or indirectly, raise loans of money, or deal in the buying, selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking: Provided always that the said Bank may take and hold mortgages and *hypothèques* on real estate, and on ships, vessels and other personal property in this Province, by way of additional security for debts contracted to the Bank in the course of its dealings, and also for such purpose may purchase and take any outstanding mortgages, judgments or other charges upon the real or personal property of any debtor of the said Bank.

Bank not to hold real property except as in sect. 1.

Nor exercise any but banking business.

Proviso: may hold mortgages, &c., as additional security.

29. The aggregate amount of discounts and advances made by the said Bank upon commercial paper or securities bearing the name of any Director of the said Bank, or the name of any copartnership or firm in which any Director of the said Bank shall be partner, shall not at any one time exceed one twentieth of the total amount of discounts or advances made by the Bank at the same time.

Discounts to Directors limited to one twentieth of the whole.

30. The Bank may allow and pay interest not exceeding the legal rate in this Province, upon money deposited in the Bank; and in discounting promissory notes, bills, or other negotiable securities or paper, may receive or retain the discount thereon at the time of discounting or negotiating the same; and when notes, bills, or other negotiable securities or paper are *bonâ fide* payable at a place within the Province different from that at which they are discounted, the Bank may also, in addition to the discount, receive or retain an amount not exceeding one half per centum on the amount of each

Bank may retain discount, &c.

May charge a premium in certain cases.

May charge notes, &c., against the deposit accounts of certain parties thereto.

Certain bonds, &c., of the Bank to be assignable by indorsement.

Bills and notes valid though not under seal, and how assignable.

Proviso: Directors may authorize any Officers to sign notes.

Recital.

Signature to Bank-notes may be impressed by machinery;

each such note, bill, or other negotiable security or paper; and the Bank may charge any note or bill held by and made payable at the Bank, against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof, any law, statute or usage to the contrary notwithstanding.

31. The bonds, obligations and bills obligatory or of credit, of the said Bank, under its common seal, and signed by the President or Vice-President, and countersigned by a Cashier or Assistant Cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring and maintain an action or actions thereon, in his, her or their own name or names; and signification of any assignment by indorsement shall not be necessary, any law, custom or usage to the contrary notwithstanding; and bills or notes of the said Bank, signed by the President, Vice-President, Cashier or other officer appointed by the Directors of the said Bank to sign the same, promising the payment of money to any person or persons, his or their order, or to the bearer, though not under the corporate seal of the said Bank, shall be binding and obligatory upon it in the like manner and with the like force and effect as they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity; Provided always that nothing in this Act shall be held to debar the Directors of the said Bank from authorizing or deputing from time to time any Cashier, Assistant Cashier or officer of the Bank, or any Director other than the President or Vice-President, or any Cashier, Manager or local Director of any branch or office of discount and deposit of the said Bank, to sign the bills or notes of the Corporation intended for general circulation and payable to order or to bearer on demand.

32. And whereas it may be deemed expedient that the name or names of the person or persons intrusted and authorized by the Bank to sign bank notes and bills on behalf of the Bank, should be impressed by machinery in such form as may from time to time be adopted by the Bank, instead of being subscribed in the hand-writing of such person or persons respectively; And whereas doubts might arise respecting the validity of such notes; Be it therefore further declared and enacted, that all bank notes and bills of *The Bank of Canada*, whereon the name or names of any person or persons intrusted or authorized to sign such notes or bills on behalf of the Bank, shall or may become impressed by machinery provided for that purpose, by or with the authority of the Bank, shall be and be taken to be good and valid to all intents and purposes, as if such

such notes and bills had been subscribed in the proper handwriting of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be deemed and taken to be bank notes or bills within the meaning of all laws and statutes whatsoever; and shall and may be described as bank notes or bills in all indictments and civil or criminal proceedings whatsoever; any law, statute or usage to the contrary notwithstanding.

And shall be Bank-notes for all purposes civil or criminal.

33. The notes or bills of the Bank made payable to order or bearer, and intended for general circulation, whether the same shall issue from the chief seat or place of business of the said Bank in Toronto, or from any of its branches, shall be payable on demand in specie at the place where they bear date.

Bank-notes payable at place of date.

34. A suspension by the said Bank either at its chief place or seat of business in Toronto aforesaid, or at any of its branches or offices of discount and deposit at any other place in this Province, of payment on demand in specie of the notes or bills of the said Bank, payable there on demand, shall, if the time of suspension extend to sixty days consecutively or at intervals, within any twelve consecutive months, operate as and be a forfeiture of its charter, and of all and every the privileges granted to it by this Act.

Suspension of payment for sixty days to forfeit charter.

35. The total amount of the bank notes and bills of the Bank, of all values in circulation at any one time shall never exceed the aggregate amount of the paid up capital stock of the Bank, and the gold and silver coin, and bullion and Debentures, or other securities reckoned at par, issued or guaranteed by the Government under the authority of the Legislature of this Province, on hand; but no bank note, or bill of the Bank under the nominal value of one dollar shall be issued or put in circulation.

Total amount of Bank-notes limited.

None under five shillings.

36. The total amount of the debts which the said Bank shall at any one time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of its capital stock paid in, and the deposits made in the Bank in specie and in Government securities for money; and in case of excess, or in case the total amount of the bills or notes of the said Bank payable to order or to bearer on demand, and intended for general circulation, shall at any time exceed the amount hereinbefore limited, the said Bank shall forfeit its charter and all the privileges granted to it by this Act, and the Directors under whose administration the excess shall happen shall be liable jointly and severally for the same in their private capacity, as well to the shareholders as to the holders of the bonds, bills and notes of the said Bank, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators, or curators of them

Total liabilities of the Bank limited.

Forfeiture of charter for excess under this or the next preceding section, and liability of Directors.

them or any of them, and be prosecuted to judgment and execution according to law; but such action or actions shall not exempt the said Bank, or its lands, tenements, goods or chattels from being also liable for such excess; Provided always, that if any Director present at the time of contracting any such excess of debt do forthwith, or if any Director absent at the time of contracting any such excess of debt do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the Bank his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published in Toronto, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators, or curators, from the liability aforesaid, any thing herein contained, or any law to the contrary notwithstanding; Provided always that such justification shall not exonerate any Director from his liability as a shareholder.

Proviso: how Directors may avoid such liability.

Proviso.

Limitation of liability of Shareholders in case of insolvency of the Bank.

37. In the event of the property and assets of the said Bank becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of its stock in their private or natural capacities shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of their respective shares, that is to say, the liability and responsibility of each shareholder to the creditors of the said Bank shall be limited to a sum of money equal in amount to his stock therein, over and above any instalment or instalments which may be unpaid on such stock, for which he shall also remain liable and which he shall pay up; Provided always that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the said Bank hereinbefore mentioned and declared.

Proviso.

Statement of Officers to be published monthly.

38. Besides the detailed statement of the affairs of the said Bank, hereinbefore required to be laid before the shareholders thereof, at their annual general meeting, the Directors shall make up and publish on the first Monday in each and every month, statements of the assets and liabilities of the said Bank in the form of the schedule A hereunto annexed, shewing under the heads specified in the said form the average amount of the notes of the said Bank in circulation, and other liabilities at the termination of the month to which the statement shall refer, and the average amount of specie and other assets that at the same times were available to meet the same; and it shall be the duty of the Directors to submit to the Governor of this Province, if required, a copy of such monthly statements, and if by him required to verify all or any parts of the said statements, the said Directors shall verify the same by the production of the weekly or monthly balance-sheets from which the said statements shall have been compiled; And furthermore, the said Directors shall, from time to time, when required, furnish to the said Governor of this Province such

Copy to Governor, and how attested.

Governor may require further information.

further

further reasonable information respecting the state and proceedings of the said Bank and of the several branches and offices of discount and deposit thereof as such Governor of this Province may reasonably see fit to call for; Provided always, that the weekly or monthly balance-sheets and the further information that shall be so produced and given, shall be held by the said Governor of this Province as being produced and given in strict confidence, that he shall not divulge any part of the contents of the said weekly or monthly balance-sheets or of the information that shall be so given; And provided also, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them to make known the private accounts or account of any person or persons whatever having dealings with the said Bank.

Proviso: such further information to be confidential.

Proviso: private accounts not to be disclosed.

39. It shall not be lawful for the said Bank at any time whatever, directly or indirectly, to advance or lend to or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money or any securities for money; and if such unlawful advance or loan be made, then and from thenceforth the said corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages granted to it, by this Act, shall cease and determine.

Bank not to lend money to any foreign State, &c.

40. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published in Toronto, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette, for the publication of official documents and notices emanating from the Civil Government of this Province, if any such Gazette be then published.

Public notices, how to be given.

41. If any cashier, assistant cashier, manager, clerk or servant of the said Bank shall secrete, embezzle, or abscond with any bond, obligation, bill obligatory or of credit, or other bill or note, or any security for money, or any moneys or effects intrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank, or belonging to any other person or persons, body or bodies politic or corporate, or institution or institutions, be lodged and deposited with the said Bank, the said cashier, assistant cashier, manager, clerk or servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

Embezzlement, &c., by Bank Officers to be felony.

42. Every person convicted of felony under this Act shall be punished by imprisonment at hard labour in the Provincial Penitentiary for any term not less than two years, or by imprisonment in any other Goal or place of confinement for any less term than two years in the discretion of the Court before which he shall be convicted.

Punishment over two years, imprisonment in Penitentiary.

43. It shall and may be lawful to and for any Justice of the Peace on complaint made before him upon the oath of one credible

Power to search for

credible

forged notes
or machinery
used for forg-
ing ;

How dealt
with if found.

credible person, that there is just cause to suspect that any one or more person or persons is, or are or hath or have been concerned in making or counterfeiting any false bills of exchange, promissory notes, undertakings or orders of the said Bank, or hath in his possession any plates, presses or other instruments, tools or materials for making or counterfeiting the same, or any part thereof, by warrant under the hand of such Justice to cause the dwelling house, room, workshop or out-house or other building, yard, garden or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on any such making or counterfeiting, to be searched ; and if any such false bills of exchange, promissory notes, undertakings or orders, or any plates, presses or other tools, instruments or materials shall be found in the custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever, discovering the same, to seize, and he or they are hereby authorized and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings or orders, and such plates, presses or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District (or if more convenient, of the adjoining County or District) in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid in some Court of Justice proper for the determination thereof, and the same, after being so produced in evidence, shall, by order of the Court, be defaced or destroyed, or otherwise disposed of, as such Court shall direct.

Saving of
rights of
Crown, &c.

44. Nothing in this Act contained shall, in any manner, derogate from, or affect, or be construed to derogate from or affect the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any body or bodies politic or corporate, except in so far as the same may be specially derogated from or affected by the provisions of this Act.

Public Act.

45. This Act shall be held and taken to be a Public Act, and shall be known as the "Charter of the Bank of Canada," and the Interpretation Act shall apply thereto.

Duration of
this Act.

46. This Act shall be and remain in force until the first day of January, which will be in the year of Our Lord, one thousand eight hundred and seventy, and from that time, until the end of the then next session of the Parliament of this Province, and no longer.

SCHEDULE A

Referred to in the thirty-seventh section of the foregoing Act.

Return of the Average Amount of liabilities and assets of the Bank of Canada during the period from the first to one thousand eight hundred and

LIABILITIES.

Promissory notes in circulation not bearing interest....	\$
Bills of exchange in circulation not bearing interest....	\$
Bills and notes in circulation bearing interest.....	\$
Balances due to other Banks.....	\$
Cash deposits not bearing interest.....	\$
Cash deposits bearing interest.....	\$
Total average liabilities.....	\$

ASSETS.

Coin and bullion.....	\$
Landed or other property of the Bank.....	\$
Government securities.....	\$
Promissory notes or bills of other Banks.....	\$
Balances due from other Banks.....	\$
Notes and bills discounted.....	\$
Other debts due to the Bank, not included under the foregoing heads.....	\$
Total average assets.....	\$

CAP. CXXXII.

An Act to amend and extend three several Acts, passed respectively in the seventh, ninth and fourteenth years of Her present Majesty's Reign, relating to "The Trust and Loan Company of Upper Canada."

[Assented to 16th August, 1858.]

WHEREAS an Act, hereinafter called the "Principal Act," was passed in the seventh year of the Reign of Her present Majesty, intituled, *An Act for incorporating and granting certain powers to the Upper Canada Trust and Loan Company,* and powers were by the said Act given to the said Company to borrow money on Mortgage and Bonds, as therein mentioned; And whereas the said Act has since been amended by two Acts passed, the one in the ninth and the other in the fourteenth year of the Reign of Her present Majesty; And whereas shortly after the passing of the said Principal Act,

Preamble.

7 V. c. 63.

8 V. c. 96.

13, 14 V. c.

138.

subscriptions for Shares in the Capital of the said Company were opened, and for the better carrying on and regulating the affairs of the said Company, a Deed of Settlement was prepared and executed, bearing date the first day of June, in the year of our Lord one thousand eight hundred and forty-four, and made between the several persons named in the said Act of the first part, the several persons whose names are thereto subscribed and seals affixed (except the several persons parties thereto of the first part) of the second part, and the Trust and Loan Company of Upper Canada, of the third part; And whereas by the said Deed of Settlement, after reciting that application was about to be made for a Royal Charter, it was amongst other things provided that the Capital and business of the said Company, and the affairs and concerns thereof, and the rules and regulations under which the same were to be conducted and carried on, should be according and conformable to the several provisions expressed and contained in the said Principal Act, or in any Act of the Legislature of Canada, that might be passed for amending the same; And whereas by Royal Charter, under the Great Seal of England, dated the thirteenth of November, one thousand eight hundred and forty-five, it was declared that the said Trust and Loan Company of Upper Canada, should enjoy all the Corporate and other privileges, immunities and powers granted to them by the said Principal Act, not only in the said Province of Canada, but also in the United Kingdom of Great Britain and Ireland; and that they should be one body Politic and Corporate by the name of "The Trust and Loan Company of Upper Canada;" And it was by the said Charter, amongst other things provided that two successive Extraordinary General Meetings, specially called for the purpose, should be requisite to make, and should have power to make, any new laws, regulations, provisions, and by-laws for the Company, or to amend, alter or repeal, either wholly or in part, all or any existing laws, regulations, provisions, or by-laws of, or relating to, the Company, or the Officers or affairs thereof, so as what shall be so done be not inconsistent with the provisions contained in the Charter now in recital, or contained or referred to in the said Principal Act or Deed of Settlement; And it was thereby further provided, that it should be lawful for the Directors, for the time being, to borrow and owe such sums of money as the Company then was, or thereafter might be, authorized to borrow, by the provisions of the said Principal Act, or any Act or Acts of the Parliament of Canada, amending, altering, or extending the same, or by the provisions of any Act or Acts of the Parliament of the United Kingdom of Great Britain and Ireland, passed in pursuance of the said Principal Act, for investing the Company with further powers and privileges, provided that such powers of borrowing were exercised in conformity with the requirements of the said Act or Acts, and also provided that such sums did not exceed at any period, the amount of the Capital of the Company, which for the time being should have been
subscribed

subscribed for and paid up, or be liable to be paid by the Shareholders; And it was thereby further provided that it should not be lawful for the said Company to carry on the business of a Banker, by keeping Cash of or for any person or persons payable on demand, or by borrowing, owing or taking up money on their Bills or Notes payable on demand, or at any less time than twelve months from the borrowing thereof, or for a less sum than one hundred pounds; And whereas it is expedient to amend the said Acts, and to make such further provisions as are hereinafter contained: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Company may borrow on the security of Mortgages, Bonds, Notes, Bills, or any other securities they may be advised to issue, on sums authorized to be borrowed by them. Power of the Company to borrow.
2. All Notes and Bills issued by the Company shall be conformable to the provisions of the said Charter, and to the Law of England. Restrictions on borrowing power.
3. Every Promissory Note or Bill of Exchange made, drawn, accepted, or endorsed on behalf of the Company, shall be signed by two or more Directors and by the Secretary of the Company, and shall be stamped with the Seal of the Company. Form of note or bill.
4. No Creditor by Mortgage or Bond, shall, by reason only of the nature of his security, have any priority over a Creditor by Promissory Note or Bill. Specialty creditors not to have priority.
5. The Directors may, with the sanction of the Company previously given in general Meetings, increase its Capital to such sum as, with the Capital already subscribed for, will make up in the whole three millions of pounds, sterling money of Great Britain. Power to increase capital.
6. Any Capital raised by the creation of New Shares shall be considered as part of the Original Capital, and shall be subject to the same provisions in all respects, whether with reference to the payment of Calls or the forfeiture of Shares on non-payment of Calls, or otherwise, as if it had been part of the Original Capital. Incidents of new capital.
7. The sum to be raised shall be divided into Shares of such amount as will conveniently allow the same to be apportioned among the then Shareholders, in proportion to the existing Shares held by them respectively, and such new Shares shall be offered to the then Shareholders in the proportion aforesaid, and such offer shall be made by letter, under the hand of the Secretary, given to or sent by post, addressed to each Shareholder, according to his address in the Shareholders' Address Book, or left at his usual or last known place of abode. Distribution of new capital.

New shares to vest in Shareholders who accept the same.

8. The said new Shares shall vest in and belong to the Shareholders who accept the same, but if any Shareholder fail for one month after such offer of new Shares to accept the same, it shall be lawful for the Company to dispose of such Shares, in such a manner as they deem most for the advantage of the Company.

Provision in case of new shares not being at par.

9. The new Shares shall be of such amount, and may be issued in such manner and on such terms as the Directors may think fit; Provided, nevertheless, that no Shares shall be issued at a discount or below the nominal amount thereof.

Limit of borrowing powers of Company.

10. The Company may, from time to time, borrow such sums of money as may be sanctioned by a General Meeting, so that the whole amount of money for the time being on Loan to the Company, do not exceed the amount of the Capital of the Company for the time being, subscribed for and remaining uncalled, and liable to be paid up by the Shareholders; nevertheless no call made subsequently to the date of any Loan to the Company shall invalidate such Loan.

Alterations made in pursuance of charter to be binding in Canada.

11. All new laws, regulations, provisions and by-laws, and all amendments and alterations of existing laws, regulations, provisions and by-laws made by the Company in pursuance of the powers of the said Charter, shall be binding on the said Company in Canada, to the same extent as they would be binding on the said Company in England, if the Company were carrying on its business altogether in England, and were altogether subject to English Law.

Effect of Supplemental Royal Charter or Imperial Act.

12. In the event of the Company obtaining any Supplemental Charter from Her Majesty, or any Act of the Imperial Parliament, amending or altering any provisions relating to the Company contained in the said Charter, the said Deed of Settlement, or in any Act passed by the Legislature of Canada in relation to the said Company, such Supplemental Charter, or Imperial Act, shall be valid in Canada to the same extent as if the provisions therein contained had been enacted by the Legislature of Canada.

Provision as to rate of interest.

13. All powers given by either of the said recited Acts to the Company, of receiving and taking, and paying or agreeing to pay, any rate of interest not exceeding eight pounds per cent. per annum, for money lent or borrowed by them respectively, in pursuance of the said Acts, or of demanding or receiving in advance half-yearly interest accruing on loans granted by the Company, shall extend and apply to any Capital raised, and money lent or borrowed by them respectively, in pursuance of this Act, and the Company may in respect of such last mentioned Capital and money, receive and take and pay, or agree to pay, demand and receive in advance such interest accordingly.

Public Act.

14. This Act shall be deemed a Public Act.

C A P.

C A P . C X X X I I I .

An Act to incorporate the Canada Landed Credit Company.

[Assented to 16th August, 1858.]

WHEREAS the improved and unimproved lands in this Province would be rendered permanently more productive and valuable by the application of a greater amount of capital than is now employed upon them ; And whereas capital so employed would be the means of increasing the demand for additional labor, of producing additional supplies of food, and of promoting the prosperity of every class of the community ; and it is therefore desirable to encourage the introduction of such capital into this Province for that purpose ; And whereas it would greatly facilitate the borrowing on advantageous terms of such sums as may be required by landed proprietors, if the same were raised by Debentures issued upon the credit of the capital of a joint stock Company, and on the securities on real estate held by such Company, instead of being raised upon the separate credit of each individual landowner : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Wm. H. Boulton, John Beverley Robinson, Richard L. Denison, Wm. C. Gwynne, E. W. Thomson, Samuel Spreull, Fred. W. Jarvis, John Shaw, Thos. Clarkson, Wm. McMaster, L. Moffatt, W. P. Howland, Thomas Schreiber, and all or any other person or persons, bodies politic and corporate, who as executors, administrators, successors or assigns, or by any other lawful title, may hold any part, share or interest in the capital stock of the said Company, and their executors, administrators, successors and assigns, shall be and they are hereby constituted a body politic and corporate, under the name and style of the *Canada Landed Credit Company*, and shall by that name have perpetual succession and a common seal, and by the same name be capable of suing and being sued in all Courts of Justice in this Province.

Certain persons incorporated.

Corporate name, &c.

2. It shall be lawful for the said Company to lay out and invest their capital in the first place in paying and discharging all expenses incurred in applying for and obtaining this Act, and the preliminary expenses attending the establishment of the said Company, and the remainder, or so much thereof as may from time to time be deemed necessary for and towards carrying out the objects of this undertaking as hereinafter mentioned, that is to say, from time to time, and at any time, to lend and advance money, by way of loan or otherwise, on real or immoveable estate in the said Province, to be secured by such real security, and for such term not exceeding fifty years as the said Company shall agree upon and direct : Provided always that in the event of the said Company agreeing to advance money

Certain powers of loaning money granted to said Company.

Proviso : if loan be on wild lands.

money on the security of wild or bush land, or for the special purpose of executing works for the drainage of land in this Province, the Mortgager shall, in addition to the mortgage security, enter into a bond with good and sufficient sureties to lay out the money so advanced in the clearing and improving of such wild or bush land, or in executing such works of drainage, in such manner and under such conditions and restrictions as the said Company and their surveyor appointed for that purpose shall direct: Provided always that on all money so advanced there be paid an interest not exceeding eight per centum per annum, and that the principal money so advanced shall be repaid by means of a sinking fund of not less than two per centum per annum; within such time as the said Company shall direct and appoint, and as shall be specified in the mortgage or assignment of mortgage, to be made of such real estate and of such revenues, rates, rents, tolls or profits as hereinafter mentioned, and the said Company may do all acts that may be necessary for advancing such money, and for recovery and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or any conditions annexed to such advance, or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same; and do, authorize and exercise all acts and powers whatsoever, requisite or expedient to be done or exercised in relation to the said purposes.

Proviso: interest not to exceed 8 per cent., and Sinking Fund to be provided in every case.

Further general powers.

Forms of conveyance and mortgage to Company.

3. All conveyances to be made by the Company, under or by virtue of this Act, may be made according to the form in the Schedule A to this Act annexed, or as near thereto as the circumstances will admit; and every mortgage for securing money borrowed from the Company, may be by deed under seal, wherein the consideration shall be duly stated, and may be according to the form in the Schedule B to this Act annexed, or as near as the circumstances will admit, or in any other form recognized by law.

Company may receive half year's interest in advance.

4. The said Company may, and are hereby empowered, to demand and receive in advance the half yearly interest from time to time accruing on any advances of money made by the said Company, under and by virtue of this Act.

Capital.

5. The Capital of the said Company shall be Five Hundred Thousand Dollars, in shares of Fifty Dollars each, and such shares shall be numbered in arithmetical progression, beginning with No. 1, and be respectively distinguished by the numbers affixed to them.

Shares to be personal estate.

6. All shares in the undertaking shall be personal estate, and transmissible as such, and shall not be of the nature of real estate.

7. The Company shall keep a book, to be called "the Register Book of Shareholders," and in such book shall be fairly and distinctly entered, from time to time, the names and additions of the several persons being shareholders of the Company, the number of shares to which such shareholders shall be respectively entitled, distinguishing each share by its number, and the amount of the subscriptions paid on such shares; and such book shall be authenticated by the common seal of the Company being affixed thereto.

Register of Shareholders.

8. In addition to the said register of shareholders, the Company shall provide a proper book, to be called "The Shareholders' Address Book," in which the Secretary shall from time to time enter the places of abode of the several shareholders of the Company; and every shareholder, or creditor of the Company, or agent of such shareholder or creditor may at all convenient times peruse such register and address book gratis, and may require a copy thereof, or of any part thereof; and for every hundred words so required to be copied, the Secretary may demand a sum not exceeding ten cents.

Addresses of Shareholders.

Access thereto gratis.

9. On demand of the holder of any share, the Company shall cause a certificate of the Proprietorship of such share to be delivered to such shareholder; and such certificate shall have the common seal of the Company affixed thereto, and such certificate shall specify the share or number of shares in the undertaking to which such shareholder is entitled, and the same may be according to the form in the Schedule C to this Act annexed, or to the like effect; and for such certificate the Secretary may demand any sum not exceeding fifty cents; and such certificate shall be admitted in all Courts as evidence of the title of such shareholder to the share therein specified, nevertheless the want of such certificate shall not prevent the holder of any shares from disposing thereof.

Certificates of shares.

Fee thereon.

10. If any such certificates be worn out or damaged, then upon the same being produced at some meeting of the Directors, such Directors may order the same to be cancelled, and thereupon another similar certificate shall be given to the party in whom the property of such certificate and of any share therein mentioned, shall be at the time vested; or if such certificate be lost or destroyed, then upon proof thereof a similar certificate shall be given to the party entitled to the certificate so lost or destroyed; and in either case a due entry of the substituted certificate shall be made by the Secretary in the Register of Shareholders, and for every certificate, so given or exchanged, the Secretary may demand any sum not exceeding fifty cents.

Renewing certificates.

Entry and fee.

11. Subject to the regulations herein contained, any shareholder may sell or transfer his shares or any of them by deed, in which the consideration shall be truly stated, and such deed may

Transfers of shares to be registered.

may be according to the form in Schedule D, to this Act annexed, or to the like effect; and the same (when duly executed) shall be delivered to the Secretary, and be kept by him, and the Secretary shall enter a memorial thereof in a book, to be called "The Register of Transfers," and shall endorse such entry on the deed of transfer; and for every such entry and endorsement the Secretary may demand any sum not exceeding one dollar, and on the request and at the option of the purchaser of any Share, a new certificate shall be granted in the manner aforementioned, and an endorsement of such transfer shall be made on the certificate of such share and new certificate, and for such endorsement the Secretary may demand any sum not exceeding one dollar; and such endorsement being signed by the Secretary, shall be considered in every respect the same as a new certificate, and until such transfer shall have been so delivered to the Secretary as aforesaid, the seller of such share shall remain liable for all future calls, and the purchaser of the share shall not be entitled to receive any share of the profits of the said undertaking, or to vote in respect of such share.

Entry and fee.

Effect of indorsement by Secretary.

Transfer not to be made until calls paid.

12. No shareholder shall be entitled to transfer any share until he shall have paid all calls for the time being due on every share held by him.

Transfer of shares to be made only with consent of Directors after notice given.

13. Every person who shall be desirous of transferring any share or shares in the Company, shall, as soon as he shall have procured any person to be a holder of such share or shares in the Company, give notice thereof in writing to the Directors of the Company, at the place of business in London, in England, or at Toronto, in this Province, and shall describe in such notice the name and residence of such other person, and the number or numbers of such share or shares; or such notice may be given by the person proposed to be the holder of such share or shares; and the Directors shall proceed without delay to take every such notice into consideration, and shall, if required under the hands of two or more of them, certify in writing to the person giving the notice, the approbation or disapprobation of the Directors of the proposed holder or holders, and such proposed holder or holders shall not be admitted or registered as a shareholder or shareholders, unless he, she or they shall be approved of by the Directors, and shall have complied with the regulations and provisions of the Company relating to persons in future acquiring shares in the Company.

Transmission of shares by other means than transfer to be authenticated by a declaration.

14. If the interest in any shares shall become transmitted in consequence of the death, or bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other legal means than by a transfer according to the provisions of this Act, the same shall be authenticated by a declaration in writing, as hereinafter mentioned,

or in such other manner as the Directors shall require ; and every such declaration shall distinctly state the manner in which the party to whom such share shall have been so transmitted ; and shall be made and signed, and shall be by such party acknowledged before a Judge or Commissioner for taking affidavits in the Superior Courts, who are hereby authorized to take such affidavits ; and such declaration shall be left with the Secretary, and thereupon he shall enter the name of the person entitled under such transmission in the Register Book of Shareholders of the Company, whereby such person shall be and become a shareholder in the said undertaking ; and for every such entry the Secretary may demand any sum not exceeding one dollar. And until such transmission shall have been so authenticated, no person or party claiming by virtue of such transmission, shall be entitled to receive any share of the profits of the Company, nor to vote in respect of any such shares as the holder thereof.

Entry and fee.

15. With respect to any share to which several persons may be jointly entitled, all notices directed to be given to the shareholders shall be given to such of the said persons whose names shall stand first in the Register of Shareholders ; and notice so given shall be sufficient notice to all the proprietors of such share unless any such joint proprietor shall, by writing under his hand, request such notice to be given to any other or all such joint proprietors.

As to shares held jointly.

16. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject, and the receipt of the party in whose name any such share shall stand in the books of the Company, shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trusts to which such share may then be subject, and whether or not the Company have had notice of such trusts, and the Company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to trusts to which shares are subject.

17. The Company may from time to time make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them, as they shall deem necessary, provided that thirty days' notice at the least be given of each call, and that no call exceed the amount of ten dollars per share, and that successive calls be not made at less than the interval of three months, and that the aggregate amount of calls made in one year do not exceed the amount of forty dollars per share ; and every shareholder shall be liable to pay the amount of calls so made in respect of the shares held by him, to the persons and at the times and places from time to time appointed by the Company ; Provided

Calls how to be made, &c.

Provido. always

When the Company may commence business.

always that it shall not be lawful for the said Company to commence business until a sum of not less than fifty thousand dollars shall have been paid up by the subscribers to the said capital stock.

Interest to be charged on unpaid calls.

18. If before, or on the day appointed for payment, any shareholder do not pay the amount of any call, he shall be liable to pay interest for the same at the rate of six per centum per annum from the day appointed for the payment thereof to the time of the actual payment.

Interest allowed on calls paid in advance.

19. The said company may, if they think fit, receive from any of the shareholders willing to advance the same, all or any part of the money due upon their respective shares, beyond the sums actually called for; and upon the principal money so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls made upon the shares in respect of which such advance shall have been made, the Company may pay interest at such rate not exceeding six per centum, as the shareholders paying such sum in advance and the Company shall agree upon.

Amount of calls may be recovered by suit.

20. If at the time appointed by the Company for the payment of any call, the holder of any share fail to pay the amount of such call, the company may sue such shareholder for the amount thereof in any court of law or equity having competent jurisdiction, and may recover the same with interest at the rate of six per centum per annum from the day on which such call may have been made payable.

Certain formalities not necessary in actions for calls.

21. In any action to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the said Company by virtue of this Act.

What only need be proved on the trial.

22. On the trial of such action it shall be sufficient to prove that the defendant at the time of making such call was a holder of one share or more in the Company, and that such call was in fact made and such notice thereof given as is directed by this Act, and it shall not be necessary to prove the appointment of the directors who made such call nor any other matter whatsoever, and thereupon the Company shall be entitled to recover what shall be due upon such call with interest thereon, unless it shall appear either that any such call exceeds the amount of ten dollars per share or that due notice of such call was not given, or that the interval of three months between the successive calls had not elapsed, or that calls amounting to more than the sum of forty dollars in one year had been made.

23. The production of the register book of shareholders of the Company, or a certified extract therefrom, under the signature of the secretary of the company, shall be *prima facie* evidence of such defendant being a shareholder, and of the number and amount of his shares and of the sums paid in respect thereof.

Evidence of party being a Shareholder.

24. If the holder of any share fail to pay a call payable by him in respect thereof, together with the interest that shall have accrued thereon, the directors, at any time after the expiration of one month from the day appointed for payment of such call, may declare such share forfeited and that whether the Company have sued for the amount of such call or not.

Forfeiture of shares for non-payment of calls.

25. No advantage shall be taken of such forfeiture unless the same shall be declared to be forfeited at a general meeting of the company to be held after the expiration of three months at the least from the day on which such notice of intention to make such declaration of forfeiture shall have been given; and it shall be lawful for the Company to confirm such forfeiture at any such meeting and by an order at such meeting, or at any subsequent general meeting, to direct the share so forfeited to be sold or otherwise disposed of, and after such confirmation the directors may sell the forfeited shares, and either separately or together in lots as to them may seem fit.

How such forfeiture declared.

26. A declaration in writing by an officer or servant of the Company, or by some credible person (not interested in the matter), made before any Judge, or before a Commissioner for taking affidavits in the Superior Courts, who are hereby authorized to take such declaration, that the call in respect of a share was made and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated, and such declaration and receipt of the secretary of the Company for the price of such share shall constitute a good title to such share, and thereupon the purchaser shall be deemed the proprietor of such share, discharged from all calls made prior to such purchase, and a certificate of proprietorship shall be delivered to such purchaser upon his signing the undertaking to hold the said shares so purchased by him as aforesaid subject to the provisions of this Act, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to any such sale.

How forfeited shares shall be conveyed to the purchaser.

27. The Company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale to pay the arrears then due from such defaulter on account of any calls, together with

No more shares to be sold than will pay calls in arrear.

with interest and the expenses attending such sale and declaration of forfeiture, and if the money produced by the sale of any such forfeited share be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall on demand be paid to the defaulter, or in default thereof, applied in and towards satisfaction of any calls made thereafter, but prior to such demand being made as last aforesaid, in respect of the remaining unsold shares of such defaulter.

Payment of arrears before sale of forfeited shares.

28. If the payment of such arrears of calls and interest and expenses be made before any shares so forfeited and vested in the Company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid.

Liabilities of Shareholders limited.

29. No shareholder of the Company shall be liable for or charged with the payment of any debt or demand due from the Company, beyond the extent of his shares in the capital of the Company not then paid up; and no action therefor shall be commenced before an execution against the Company shall have been returned unsatisfied, in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder.

Debentures may be issued by the Company, and money raised on them: how and when.

30. When and so soon as the Company shall have advanced any sum of money on the security of real estate, or other security in this Act mentioned, and shall have in their custody and possession the mortgage Deed duly executed, registered and perfected, it shall be lawful for the said Company to issue a debenture or debentures, equal in amount to the sum so advanced on mortgage, and such debentures shall be numbered in arithmetical progression, beginning with number one, and be respectively distinguished by the number affixed to them: Every debenture shall truly state the sum for which it is issued, which shall not be for a less sum than fifty dollars, or the like amount in sterling money, the time when payable, and the interest it bears, which shall not exceed eight per centum per annum, and the same may be in the form in the Schedule E, to this Act annexed, or to the like effect; Provided that the amount to be raised by debentures do not exceed the amount of the capital authorized by this Act.

Proviso.

Mortgage and debenture book to be kept.

31. The Company shall keep a book, to be called "The Mortgage and Debenture Book," and in such book shall be fairly and distinctly entered from time to time, the date, names, amount of mortgage money advanced, and other short particulars of every Mortgage Deed in their custody and possession, together with the number and amount, and other short particulars of the debenture or debentures issued in respect thereof, which shall in no case exceed the amount so advanced on Mortgage.

32. The Company shall, on the first day of January and July in each year, transmit to the Inspector General a full and clear statement of their assets and liabilities on the day of the date thereof, and such statement shall contain, in addition to such other particulars as the Inspector General may require :

Statement to be sent periodically to Inspector General.

- 1st. The amount of Stock subscribed ;
- 2nd. The amount paid in upon such stock ;
- 3rd. The amount borrowed for the purposes of investment and the securities given therefor ;
- 4th. The amount invested and secured by mortgage deeds ;
- 5th. The value of the Real Estate under mortgage.

33. And such statement shall be attested by the oath before some Justice of the Peace, of two persons, one being the President, Vice-President, or other functionary for the time being at the head of the Company, and the other the Cashier or Auditor of the Company, each of whom shall swear distinctly, that he has such quality or office as aforesaid ; that he has had the means of verifying, and has verified, the statement aforesaid, and found it to be exact and true in every particular ; that the property under Mortgage has been set down at its true value, to the best of his knowledge and belief ; and that the amount of the shares and debentures issued and outstanding, as he verily believes, is correct ; and such statement shall be published by the Inspector General, in such manner as he shall think most conducive to the public good ; and for any neglect to transmit such statement in due course of post, within five days after the day to which it is to be made up, the Company shall incur a penalty of one hundred dollars per diem ; and if the same be not transmitted within one month after the said day, or if it shall appear by the statement that the Company is insolvent, the Inspector General may, by notice in the Gazette, declare the business of the Company to have ceased ; and if the Inspector General shall in any case suspect any such statement to be wilfully false, he may depute some competent person to examine the books, and enquire into the affairs of the Company, and to report to him on oath ; and if by such report it shall appear that such statement was wilfully false, or that the Company is insolvent, or if the person so deputed shall report on oath that he has been refused such access to the books, or such information as would enable him to make a sufficient report, the Inspector General may, by notice in the Gazette, declare the business of the Company to have ceased ; but in any of the cases in which discretionary power is given to the Inspector General to declare the business of the Company to have ceased, he may, before so doing, give notice to the Company, and afford the same an opportunity of making any explanation

Attestation of such statement.

Statement may be published.

If any statement be suspected of being wilfully false.

Notice to Company

Expenses to be paid by the Company.

explanation it may be advisable to make ; and all expenses attending such periodical statements, and the publication thereof, shall be borne by the said Company.

Debenture holder not to have rights and privileges of shareholder.

34. No person shall, in right of any debenture, be deemed a shareholder, or be capable of acting or voting as such at any meeting of the Company.

Scale of votes.

35. At all meetings of the Company, every shareholder shall be entitled to one vote for every share up to ten, and one vote for every five shares held by him beyond the first ten shares ; and no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then payable upon all the shares held by him.

Votes may be given by proxy.

36. Such votes may be given either personally or by proxy, the holders of such proxies being shareholders, authorized by writing according to the form in Schedule F, to this Act annexed, or in form to the like effect, under the hand of the shareholder nominating such proxy ; and every proposition at any such meeting shall be determined by show of hands, or upon demand of any shareholder after such show of hands by the majority of the votes of the parties present, including proxies, the chairman of the meeting being entitled to vote, not only as a principal or proxy, but to have a casting vote if there be an equality of votes.

Formalities relating to proxies.

37. No person shall be entitled to vote as a proxy unless the instrument appointing such proxy have been transmitted to the Clerk or Secretary of the Company five clear days before the holding of the meeting at which such proxy is to be used, and no person shall at any one meeting represent as proxy more than thirty shareholders.

Parties holding one share conjointly.

38. If several persons be jointly entitled to a share, the person whose name stands first on the Register of Shareholders as one of the holders of such share, shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof, and on all occasions the vote of such first named shareholder alone, either in person or by proxy, shall be allowed as the vote in respect of such share, and no proof of the concurrence of the other holders thereof shall be required.

Chief place of business.

39. The chief place of business of the said Company shall be at the City of Toronto, but the said Company shall from time to time, and at all times hereafter, have power and authority, and they are hereby authorized to establish such and so many agencies in any part or portion of this Province, or in England, and under such regulations for the management thereof, and to remove the same, as to the Directors of the said Company may seem expedient.

40. The business and affairs of the said Company shall be conducted and managed by a Board of Directors to be appointed by the shareholders as hereinafter provided, which Board shall consist of qualified shareholders, and which Board in the first instance, and provisionally and until the first general annual meeting of the Company, shall consist of William H. Boulton, John Beverley Robinson, Richard L. Denison, William C. Gwynne, E. W. Thomson, Samuel Spreull, Frederick W. Jarvis, John Shaw, Thomas Clarkson, William McMaster, L. Moffatt, W. P. Howland and Thomas Schreiber, who shall remain in office until the first Wednesday in January, one thousand eight hundred and fifty-nine, and shall then go out of office, being eligible for re-election, and shall then be replaced by twelve Directors, to be elected by the shareholders, who shall attend either in their own persons or by proxy, and six of the said Directors shall go out of office, by rotation, in each year, being, however, eligible for re-election as Directors, and the election of Directors in place of those so retiring from office shall be held at the first annual general meeting of the Company by the shareholders, who shall either attend in their own persons or by proxy, and all elections of Directors shall be by ballot, and the persons having the greatest number of votes at any such election shall be Directors, and if two or more shall have an equal number of votes in such manner that more than two shall appear to be chosen, then another ballot shall be taken until it shall be determined which of the said two or more shall have a majority of votes, and the Directors shall choose their President and Vice-President: Provided always that five Directors shall be a quorum for the transaction of business; Provided also that the Directors to be elected under the provisions of this Act shall for the first two years be holders of not less than ten shares, and afterwards shall be holders of not less than twenty shares in the said Company.

Provisional
Directors.First election
of Directors.Annual retire-
ment of Di-
rectors.

Quorum.

Qualification
of Directors.

41. The first Annual General Meeting shall be held in the said City of Toronto, on the first Wednesday in January, one thousand eight hundred and fifty-nine, or the next following day or any other day to be appointed by the By-law, and the said meeting shall be held on the same day in every successive year thereafter in the said City, and at the said first Annual General Meeting the shareholders present as aforesaid shall then determine the mode and manner in which the six Directors shall retire and in which they shall be then and in future elected, and the notice of all subsequent general annual meetings for the election of Directors shall contain the names of the six retiring Directors; Provided always that the retirement of the six first Directors shall be determined by ballot among themselves.

Annual gene-
ral meetings
of the Com-
pany.Mode of reti-
rement of six
Directors.

Proviso.

42. The Directors shall have and exercise the powers, privileges and authorities set forth and vested in them by this Act, and they shall be subject to and be governed by such rules,

Powers, duties
and authori-
ties of Direc-
tors.

By-laws.

rules, regulations and provisions as are herein contained with respect thereto and by the By-laws to be made for the management of the said Company, and the Directors shall and may lawfully exercise all the powers of the Company except as to such matters as are directed by this Act to be transacted by a general meeting of the Company; they may call any general, special or other meetings of the Company or of the Directors which they may deem necessary; and they shall, upon requisition made in writing by any number of shareholders holding, in the aggregate, one fifth part of the shares of the Company, convene an extraordinary general meeting; and such requisition so made by the shareholders shall express the object of the meeting proposed to be called, and shall be left at the Company's office, and if the Directors do not convene such general meeting within twenty-one days from the date of the requisition, the requisitionists, or any other shareholders having the required number of shares, may themselves convene a meeting; the Directors may use and affix or cause to be used and affixed the Seal of the Company to any document or paper which in their judgment may require the same; they may make and enforce the calls upon the shares of the respective shareholders; they may declare the forfeiture of all shares on which such calls are not paid; they may make any payments and advances of money as they may deem expedient which are or shall at any time be authorized to be made by or on the behalf of the Company, and enter into all contracts for the execution of the purposes of the Company, and for all other matters necessary for the transaction of its affairs; they may generally deal with, treat, sell, and dispose of the lands, property and effects of the Company for the time being, in such manner as they shall deem expedient and conducive to the benefit of the Company, as if the same lands, property and effects were held and owned according to the tenure, and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age; they may do and authorize, assent to or adopt, all acts required for the due exercise of any further powers and authorities which may hereafter be at any time granted to the Company by the Legislature of this Province or for the performance and fulfilment of any conditions or provisions from time to time prescribed by the said Legislature in giving such further powers and authorities, or in altering or repealing the same respectively, or any of them; but all the powers shall be exercised in accordance with and subject to the provisions of this Act in that behalf, and also to the control and regulation of any general meeting specially convened for that purpose, but not so as to render invalid any act done by the Directors, prior to any resolution passed by such general meeting: Provided always that all real estate acquired and held by the said Company in virtue of this Act, except such as is necessary for the use and occupation of the Company, and the purposes thereof, shall be sold and realized at public auction by the

Special meetings.

Affixing corporate seal.

Calls.

Payments and loans.

Managing property.

Further general powers.

Subject to control of general meetings.

Proviso: as to real estate.

the Company at any period not later than one year from the acquisition of such real estate.

43. The Directors of the said Company may vote by proxy, such proxies being themselves Directors, and may be appointed according to the form in Schedule G of this Act, or to the like effect; but no Director shall act as proxy for more than three other Directors.

Directors may vote by proxy.

44. The following powers of the Company, that is to say, the choice and removal of the Directors, Auditors and Treasurer, the determination as to the remuneration of the Directors and of the Auditors, and the declaration of dividends shall be exercised at a general meeting of the Company.

Exclusive powers vested in Shareholders at general meetings.

45. The Directors shall cause notices, minutes or copies, as the case may require, of all appointments made or contracts entered into by the Directors, to be duly entered in books to be from time to time provided for the purpose, which shall be kept under the superintendence of the Directors, and every such entry shall be signed by the Chairman of the meeting at which the matter in respect of which such entry is made was moved or dismissed at or previously to the next meeting of the Company or directors, as the case may be, and a copy of such entry so signed shall be received as evidence in all Courts, and before all judges, justices, and others, without proof of such respective meeting having been duly convened or of the persons making or entering such orders or proceedings being shareholders or directors respectively, or of the signature of the chairman, all which last mentioned matters shall be presumed, and all such books shall at any reasonable time be open to the inspection of any of the shareholders.

Minutes, &c., of proceedings to be kept in books for the purpose.

Certified copies to be evidence.

46. The Company shall not make any dividend whereby their capital stock may be reduced.

Dividends not to reduce capital stock.

47. Before apportioning the profits aforesaid, the directors may, if they think fit, set aside thereout such sum as they may think proper to defray preliminary expenses and to meet contingencies, or for enlarging or improving the estate of the Company or any part thereof, or promoting the objects and purposes for which they are incorporated, and may divide the balance only among the proprietors.

Before apportioning profits, Directors may reserve a share for contingencies.

48. No dividend shall be paid in respect of any share until all calls then due in respect of that or any other share held by the person to whom such dividend may be payable, shall have been paid.

Calls to be paid before dividends received.

49. It shall be lawful for the Directors from time to time to appoint such and so many officers, solicitors and agents, either in this province or elsewhere, and so many servants as they deem

Directors may appoint officers, solicitors, &c.

Making By-laws for certain purposes.

Proof of By-laws ;
and of seal.

deem expedient for the management of the affairs of the Company, and to allow to them such salaries and allowances as may be agreed upon between them and the Company, and to make such by-laws as they may think fit for the purpose of regulating the conduct of the officers, solicitors, agents and servants of the Company, and for providing for the due management of the affairs of the Company in all respects whatsoever, and from time to time to alter and repeal any such by-laws and make others, provided such by-laws be not repugnant to the laws of this Province or to the provisions of this Act; and such by-laws shall be reduced into writing, and shall have affixed thereto the common seal of the Company, and a copy of such by-laws shall be given to every officer and servant of the Company, and any copy or extract therefrom certified under the signature of the secretary shall be evidence in all Courts of Justice in this Province of such by-laws or extract from them, and that the same were duly made, and are in force ; and in any action or proceeding at law, criminal or civil or in equity, it shall not be necessary to give any evidence to prove the seal of the Company, and all documents purporting to be sealed with the seal of the Company, shall be held to have been duly sealed with the seal of the Company.

What shall be deemed sufficient notice to Shareholders.

50. With respect to any notice required to be served by the Company upon the shareholders, it shall be sufficient to transmit the same by post directed according to the registered address or other known address of the shareholder, within such period as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the giving of such notice, and in proving such notice it shall be sufficient to prove that such notice was properly directed, and that it was so put into the post office.

As to notices to be given by advertisement.

51. All notices required by this Act to be given by advertisement in a newspaper shall be signed by the chairman of the meeting at which such notice shall be directed to be given, or by the secretary or other officer of the Company, and shall be advertised in the *Canada Gazette* and in such other newspapers as the directors shall order, unless otherwise specially provided by this Act, and the same shall thereupon be deemed and considered the same as personal notices.

Document signed by one Director or the Secretary to be deemed authentic.

52. Every summons, demand or notice, or other such document requiring authentication by the Company, may be signed by one Director, and by the Secretary of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

Directors may apply for Royal Charter or to register.

53. It shall be lawful for the Directors of the said Company when it shall have been determined at a meeting of the shareholders thereof, to apply for and obtain a Royal Charter of Incorporation or an Act of the Parliament of the

the United Kingdom of Great Britain and Ireland, for granting to the said Company the powers and authorities in Great Britain necessary for carrying on and accomplishing the undertaking authorized by this Act, or to register a memorandum of association, or articles of association, under the provisions of the Act of the Parliament of the United Kingdom, intituled, *The Joint Stock Companies Act of 1856*, for the purpose of more effectually carrying out the objects of this Act in this Province, or in any part of the United Kingdom of Great Britain and Ireland.

Memorandum
under Impe-
rial Joint
Stock Compa-
nies Act.

54. In this Act, the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say: words importing the singular number, shall include the plural number; and words importing the plural number, shall include the singular number; the word "month" shall mean Calendar month; the word "Secretary" shall include the word clerk; the word "lands" shall extend to messuages, lands, tenements and hereditaments of any tenure.

Interpretation
clause.
Number.
Month.
Secretary.
Lands.

55. This Act shall be deemed a Public Act, and shall be judicially taken notice of as such, and shall apply to Upper Canada only.

Public Act.

Schedules referred to in the foregoing Act.

SCHEDULE A.

By virtue of an Act of the Legislature of Canada, passed in the _____ year of the reign of Queen Victoria, intituled: *An Act to incorporate the Canada Landed Credit Company*, We, the said Canada Landed Credit Company, in consideration of the sum of _____ dollars to us paid by A. B., of _____, do hereby grant to the said A. B., his heirs and assigns, all *(describe the premises)* together with all ways, rights and appurtenances thereto belonging; and all such estate, right, title and interest in and to the same as we the said Company are or shall become possessed of, or are by the said Act empowered to convey. To hold the said premises to the said A. B., his heirs and assigns for ever.

Given under the common seal, this _____ day of _____ in the year of our Lord, 185 _____.

SCHEDULE B.

By virtue of an Act of the Legislature of Canada, passed in the _____ year of the reign of Queen Victoria, intituled: *An Act to incorporate the Canada Landed Credit Company*, I, A. B., of _____, in consideration of the sum of _____ paid

paid to me by the said Canada Landed Credit Company, do hereby, pursuant to the said Act, convey to the said Company, their successors and assigns, All (*describe the property*), and all such estate, right, title and interest in and to the same, as I am or shall become possessed of. To hold the same to the said Company, their successors and assigns for ever, subject to redemption on payment to the said Company, their successors or assigns, of the said sum of _____, at the time and in manner hereinafter mentioned, with interest thereon at the rate of _____ for every hundred dollars by the year, payable half yearly, on the _____ day of _____ and the _____ day of _____

in every year: And the said A. B. for himself, his heirs, executors, administrators and assigns, hereby covenants with the said Company, their successors and assigns, that the principal money so advanced shall be repaid by means of the sinking fund under the management of the said Company, of two dollars per centum (*or other rate, but not to be less than two per centum*) for the period of _____ years, or until the several sums so paid to the sinking fund, together with such interest thereon as the said Company shall allow to the said A. B. for the same, shall be equal to, and so shall have paid off the said principal money now advanced. The first payment to the said sinking fund shall be made on the day of _____, and on the same day in every succeeding year (*add any special powers that may be agreed on.*)

In witness whereof, I have hereunto set my hand and Seal, the _____ day of _____, in the year of our Lord _____

SCHEDULE C.

CANADA LANDED CREDIT COMPANY.

No. _____

These are to certify that A. B. is proprietor of the share No. _____ of the Canada Landed Credit Company, subject to the rules, regulations and orders of the said Company, and that the said A. B., his executors, administrators and assigns is and are entitled to the profits and advantages of such share.

Given under the common seal of the Company, the _____ day of _____, in the year of our Lord _____

SCHEDULE D.

I, _____, of _____, in consideration of the sum of _____ paid to me by A. B. _____, of _____, do hereby assign and transfer to the said A. B. _____ share (*or shares*) numbered _____, of and in the undertaking called the *Canada Landed Credit Company*,

Company, to hold unto the said A. B., his executors, administrators and assigns, subject to the same conditions as I held the same immediately before the execution hereof, and I, the said A. B., do hereby agree to accept and take the said share (or shares) subject to the same conditions.

As witness our hands and seals, the _____ day of _____, in the year of our Lord, 185 .

SCHEDULE E.

CANADA LANDED CREDIT COMPANY.

Debenture No. _____ Transferable _____ \$ _____

Under the authority of an Act of the Province of Canada, Vic., cap. _____

The President and Directors of the Canada Landed Credit Company promise to pay

to _____ or bearer, the sum of _____ dollars on the _____ day of _____, in the year of our Lord one thousand eight hundred and _____, at the Treasurer's office here, with interest at the rate of _____ per cent. per annum, to be paid half yearly on presentation of the proper coupon for the same as hereunto annexed, say on the _____ day of _____, and the _____ day of _____, in each year, at the office of the Treasurer here (or at their Agent's in London.)

COUPON.

CANADA LANDED CREDIT COMPANY.
No. 1. \$ _____
Half yearly dividend due of _____ 185 , on Debenture No. _____, issued by this Company on the _____ day of _____, 185 , for \$ _____, at _____ per cent. per annum, payable at the office of the Treasurer, Toronto, (or at the Company's Agents, London).
For the President and Directors.
A. B.
C. D.,
Secretary.

Dated at Toronto, the _____ day of _____, 185 .

For the President and Directors of the Canada Landed Credit Company.

C. D., Secretary. A. B.

SCHEDULE F.

I, A. B., of _____, one of the Shareholders of the Canada Landed Credit Company, do hereby appoint C. D., of _____, to be my proxy in my absence, to vote in my name upon any matter relating to the undertaking proposed at the meeting of _____ Shareholders

Shareholders of the Company, to be held on the _____ day
of _____ next, in such manner as the said C. D. may think
proper.

Dated this _____ day of _____, 185 .

Witness.

A. B.

SCHEDULE G.

I hereby appoint _____, of _____, Esquire, one of the
Directors of the Canada Landed Credit Company, to be my
proxy as Director of the said Company, and as such proxy to
vote for me at all meetings of the Directors of the said Com-
pany, and generally to do all that I could myself do as such
Director, if personally present at such meeting.

Dated this _____ day of _____, 185 .

A. B.

C A P . C X X X I V .

An Act to amend the Act incorporating the Western
Canada Loan Company.

[Assented to 16th August, 1858.]

Preamble.
20 V. c. 166.

WHEREAS it has been found expedient to amend the Act
passed in the twentieth year of Her Majesty's reign,
intituled, *An Act to incorporate the Western Canada Loan
Company*, by reducing the amount of the shares therein from
twenty-five pounds to twelve pounds ten shillings, and to make
further and other regulations in reference to the transfer of
shares and for other purposes: Therefore, Her Majesty, by and
with the advice and consent of the Legislative Council and
Assembly of Canada, enacts as follows:

Sect. 7 repeal-
ed.

1. The seventh section of the said Act is hereby repealed.

Shares to be
\$50 each; and
capital may be
increased to
\$4,000,000.

2. The capital of the said Company shall be divided into
forty thousand shares, each of the value of twelve pounds ten
shillings, with power to increase the said capital to any sum
not exceeding one million pounds to be divided into a propor-
tionate number of shares, according to the amount of such
increased capital.

Sect. 50 re-
pealed.

3. The fiftieth section of the said Act is hereby repealed,
and in lieu thereof,—Be it enacted, that every Shareholder shall
be entitled to one vote for every eight shares held by him;
and

and no Shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then payable upon all the shares held by him.

Votes: and how Shareholders may vote.

4. In addition to the powers in the said Act given to the Company, it shall be lawful for them to purchase, at such rates as may be agreed on, Government or Municipal Debentures, and Mortgages on real Estate.

Company may purchase debentures, &c.

5. In any Royal Charter or Act of Incorporation that may be obtained as provided for in the seventy-second section of the said Act, it shall be lawful to provide that the whole or any number of the Directors may be resident in Great Britain, and the business in this Province carried on by Commissioners or otherwise, as may be thought most desirable; but nothing herein or in the said Act contained shall be construed to render it imperative for the Directors to be resident in Canada, or to render Shareholders resident in Great Britain ineligible as Directors.

Directors may be resident in Great Britain.

Proviso.

6. This Act shall be deemed a Public Act.

Public Act.

C A P . C X X X V .

An Act further to amend the Act incorporating the Metropolitan Gas and Water Company of Toronto.

[Assented to 16th August, 1858.]

WHEREAS it is desirable further to amend the Act passed in the sixteenth year of Her Majesty's Reign, and intitled, *An Act to incorporate a Company in the City of Toronto, to be called The Metropolitan Gas and Water Company*, by extending the time at which the said works must be in operation; And whereas the said Company having shewn by their Petition, that they hope shortly to be in a position to proceed vigorously with the works, so as to have them in operation by the year of Our Lord, one thousand eight hundred and sixty-one: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

16 V. c. 250.

1. The fifth section of the Act eighteenth Victoria, chapter two hundred and eighteen, amending the Act cited in the Preamble of this Act, is hereby repealed, and instead thereof it is enacted: That if the said works, or either of them, shall not be in operation before the expiration of three years from the passing of this Act, the said Act cited in the Preamble of this Act shall be void and of no effect.

Sect. 5 of 18 V. c. 48, amended.

Works to be in operation, in three years from passing of this Act.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . C X X X V I .

An Act to incorporate Assumption College, Sandwich,
in the Diocese of London.

[Assented to 16th August, 1858.]

Preamble.

WHEREAS it has been represented to the Legislature of this Province, that the Roman Catholic Bishop of London has founded a College in the town of Sandwich, under the style and title of "Assumption College," which is already in full operation, with upwards of fifty pupils boarding in the College, and embracing all classical and commercial studies; And whereas it would tend greatly to advance and extend the usefulness of the said College, and to promote the purposes for which it was established, that it should be incorporated: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Corporation
established.Name and
members.Appointment
of successors.

1. There shall be and there is hereby constituted and established in the town of Sandwich, Diocese of London, a body politic and corporate, under the name of "Assumption College," which corporation shall consist of the Roman Catholic Bishop of London, the present Superior of the said Assumption College and his successors in office, and the present Professors and other members of the said College and their successors in office, which said Superior, Professors and other members of the said College shall, in the event of their death, removal from this Province, dismissal from office or resignation, be replaced by other persons to be appointed according to such By-laws as may be framed under the authority of this Act for the conduct and government of the said College, and so on continually for ever; Provided always that in case of the resignation or removal of the Superior and all Professors and other members of the said College for the time being, the Roman Catholic Bishop of London shall appoint their successors.

Proviso: if all
the members
go out, Bishop
to appoint
successors.

Corporate
name and
powers.

2. The said Corporation shall have perpetual succession, and may have a common seal, with power to change, alter, break and renew the same when and so often as they shall think proper; and the said Corporation may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted, in all Courts and places whatsoever in this Province, and shall have full power to make and establish such and so many rules, orders and regulations (not being contrary to the laws of the country or this Act) as they shall deem useful or necessary, as well concerning the system of education in as for the conduct and government of the said College, and of any other institution or school connected with or dependent on the same, and of the Corporation

By-laws.

Corporation thereof, and for the superintendence, advantage and improvement of all property, moveable or immoveable, belonging to or which shall hereafter belong to the said Corporation; and shall have power to take under any legal title whatsoever, and to hold for the said College, without any further authority, license or letters of mortmain, such land and immoveable property as shall be required and necessary for the actual occupation of the said Corporation for the purposes of the said institution; Provided always, that the said College may acquire any other real estate or any interest therein by gift, devise or bequest, if made at least six months before the death of the party making the same, and the College may hold such estate for a period of not more than three years, and the same or any part or portion thereof, or interest therein, which may not within the said period have been alienated or disposed of shall revert to the party from whom the same was acquired, his heirs or other representatives; And provided also that the proceeds of such property as shall have been disposed of during the said period, may be invested in the public securities of the Province, stocks of Chartered Banks, mortgages or other approved securities for the use of the said College.

May hold personal property for certain purposes.

Proviso: corporation may take other real property on condition of parting with it within three years.

Proviso: as to investment of proceeds.

3. All property which shall at any time belong to the said Corporation, as well as the revenues thereof, shall at all times be exclusively applied and appropriated to the advancement of education in the said College, and to no other object, institution or establishment whatsoever not connected with or dependent on the same.

Exclusive application of revenues.

4. This Act shall be deemed a Public Act.

Public Act.

C A P . C X X X V I I .

An Act to incorporate the Academy of St. Césaire.

[Assented to 16th August, 1858.]

WHEREAS a large number of the inhabitants of the Village and Parish of St. Césaire, in the County of Rouville, in the District of St. Hyacinth, have by their petition represented, that for the greater advantage of education, and to ensure the better working of an institution which has existed for several years at the said Village, under the designation of a Model School, it is desirable that the said Institution be incorporated under the name of the St. Césaire Academy, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Reverend Joseph André Provençal, Curé of the Parish of St. Césaire, William Henry Chaffers, Jean Baptiste Plamondon, Corporation constituted.

and of whom
to be com-
posed.

Corporate
name and
powers.

May hold real
property for
certain pur-
poses ;

And take other
real property
on condition of
parting with
it in three
years.

Proviso : as to
investment of
proceeds.

To make By-
laws for cer-
tain purposes.

To appoint
officers, &c.

Proviso.

Ex officio
Members of
the Corpora-
tion may as-
sociate certain

Plamondon, Louis Ouimet, Edouard Sénécal and François Noisieux, School Commissioners of and residents in the said Village and Parish of St. Césaire, and such other persons as shall succeed them as Curé of the said Parish of St. Césaire and School Commissioners as aforesaid, as soon as they shall be appointed or elected to the said offices respectively, and so long as they shall hold the same, shall be and are hereby constituted a body politic and corporate, in deed and in name, by the name of the " St. Césaire Academy," and may by that name at all times hereafter contract generally, and may purchase, acquire, accept, receive, hold and possess, for themselves and their successors for the use of or on behalf of the said Corporation, such lands, tenements and hereditaments situate in this Province, as shall be required and necessary for the actual occupation of the said Corporation for the purposes of the said Institution ; and may sell and alienate the same and acquire others in their stead, by any title whatsoever ; and the said Academy may acquire any other real estate, or any interest therein, by gift, devise or bequest, if made at least six months before the death of the party making the same, and the Academy may hold such estate for a period of not more than three years, and the same or any part or portion thereof, or interest therein, which may not within the said period have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives ; And provided also, that the proceeds of such property as shall have been disposed of during the said period, may be invested in the public securities of the Province, stocks of Chartered Banks, mortgages, or other approved securities for the use of the said Academy ; And the Corporation shall have full power and authority to make and establish such by-laws and regulations as they shall deem expedient for the good government of the said Academy, and which shall not be repealed or altered, except only in such manner and by such number of votes as shall have been fixed when they are made and passed, at the general meetings of the Corporation, which shall be called by their Secretary-Treasurer, (who shall be the same as the Secretary-Treasurer of the School Corporation) by order of the President and of two members of the Corporation, and at which meetings four members shall form a quorum ; And the said Corporation shall have power to appoint such officers and to adopt such measures as may be calculated to promote education, for which purpose the Corporation is constituted ; Provided always that nothing in any such by-laws, regulations or measures as aforesaid, shall be inconsistent with this Act or with the laws in force in this Province.

2. The said Corporation shall also have power at any time to associate as Members thereof, the two chief masters in the said Academy, with three other persons resident in the locality, or so many of the said masters or persons as the *ex officio* members

members of the said Corporation may think proper, so as to make the number of members of the Corporation not more than eleven, nor less than six; and such masters and persons shall be chosen every two years by the Curé and School Commissioners, who shall be the *ex officio* members of the said Corporation: Vacancies among such non-official members may be filled by the Corporation from time to time.

persons with themselves as members.

3. Provided always that all the revenues and income of the said Corporation shall be applied exclusively to the support of the said Academy and the furtherance of education therein, and to the construction, improvement or repairing of the building required for the purposes of the Corporation, in such manner as the members shall consider best adapted to the said purposes.

Exclusive application of funds to educational purposes.

4. By the said name of the St. Césaire Academy, the said Corporation may sue and be sued in all Courts of Law or Equity in this Province; and for the purposes of any such suit, the service of process shall be made on the President of the said Corporation, and not otherwise, and all suits by the Corporation shall be conducted by him in its name.

Service of process, &c.

5. The members of the said Corporation may meet from time to time for the transaction of business; and at every such meeting a quorum shall be competent for the transaction of any business; and the said members shall yearly, at the Annual Meeting to be held in the month of July, or at the next meeting thereafter, elect one of their number to be the President of the said Corporation; and the Corporation shall have power to appoint masters in the said Academy, and such other officers and servants as may be necessary, and to fix their remuneration, and from time to time to remove any of them and appoint others in their stead.

Meetings of the Corporation: election of President, &c.

6. The said Corporation shall make to the Governor, in the month of January, a Return shewing the real and personal property held by it under this Act, with a list of the members of the Corporation, a copy of its By-laws and a Statement of the course of study followed in it.

Annual return to the Governor.

7. This Act shall be deemed a Public Act.

Public Act.

C A P . C X X X V I I I .

An Act to incorporate the St. Andrew's Society of Montreal.

[Assented to 16th August, 1858.]

WHEREAS Alexander Morris hath, by Petition to the Legislature, represented that the Association known as the St. Andrew's Society of Montreal, has for many years been formed

Preamble.

formed for the benevolent purposes of affording pecuniary, medical and other relief, to such natives of Scotland and their descendants, as may from sickness or other causes have fallen into distress, and of aiding, directing and relieving the necessities of Scottish immigrants on their arrival in Canada, and have, for the said purposes, opened and maintained a building in the City of Montreal, known as the St. Andrew's Home, and which is used for the said purposes; and hath prayed that for the better attainment of the objects of the said Association, it may be invested with corporate powers; and by reason of the good effected by the Association, it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.
Corporate
name and ge-
neral powers.

1. The said Alexander Morris, and William Edmondstone, David Brown, William Murray, Erven McLennan, J. C. Beckett and George Templeton, and such other persons as are now members of the said Association or shall hereafter become members thereof, under the provisions of this Act, and the By-laws made under the authority thereof, and their successors, shall be and they are hereby constituted a body politic and corporate by the name of the "St. Andrew's Society of Montreal," and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all Courts of Law and places whatsoever; and by that name they and their successors shall have perpetual succession, and may have a common seal, and may break, change, alter or renew the same at pleasure, and shall have power to purchase, take, receive, lease or let, hold and enjoy such real estate as may be required for the actual occupation of the said corporation, and to alienate, sell, convey, lease, or otherwise dispose of the same, or any part thereof, from time to time, and as occasion may require, and to acquire other instead thereof; provided always, that the said corporation may acquire any other real estate or any interest therein by gift, devise or bequest if made at least six months before the death of the party making the same, and the corporation may hold such estate for a period of not more than three years, and the same, or any part or portion thereof, or interest therein, which may not within the said period have been alienated and disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; and provided also that the proceeds of such property as shall have been disposed of during the said period may be invested in the public securities of the Province, stocks of chartered banks, mortgage, or other approved securities for the use of the said Corporation.

May hold real
estate for cer-
tain purposes;
and other real
estate on con-
dition of part-
ing with it in
three years.

Proviso: as to
investment of
proceeds.

Committees of
Management,
&c.

2. The affairs and business of the said Corporation shall be managed by a Committee of Management, consisting of a President, a first and second Vice-Presidents, a Secretary and Assistant Secretary, a Treasurer, two Chaplains, one or more Physicians,

Physicians, five Managers, who shall be a Charitable Committee, and a Committee of Accounts, composed of five members, who shall be Auditors, and a Committee of Instalment, composed of two members, to be elected annually, at a General Meeting of the Members of the Corporation, held in conformity to the By-laws thereof; and any five Members of the said Committee shall be a quorum for the dispatch of business.

Annual election of Quorum.

3. All deeds sealed with the common seal of the Corporation, and signed by the President or Vice-Presidents, and by some other Member of the Committee of Management, and countersigned by the Treasurer, and none other, shall be held to be Deeds of the Corporation; provided always, that the Treasurer, for the time being, may receive all moneys payable to the Corporation, and grant valid receipts therefor.

Deeds of the Corporation.

Proviso.

4. It shall be lawful for the said Corporation to make By-laws, for the admission and expulsion of members and for the proper administration of the property and affairs of the Corporation, and to repeal or amend the same, from time to time; and such By-laws and amendments shall be proposed and seconded at a previous Quarterly Meeting. No number of Members, less than thirty-six Members of the Corporation (including the presiding Officer) shall form a Meeting for the purpose of altering such By-laws, nor shall any alteration be made therein, unless two thirds of the Members present agree to it.

Power to make By-laws.

Amendment of By-laws.

5. The Annual and General Meetings of the said Corporation shall be held in such manner, after such notice, upon such requisition, and at such times, in the city of Montreal, as shall be directed by the By-laws of the Corporation.

Annual general meetings.

6. The By-laws of the said Association, in so far as they may not be repugnant to this Act or the Laws of this Province, shall be the By-laws of the Corporation hereby constituted until they shall be repealed or altered as aforesaid; provided always, that no By-law shall impose a penalty or forfeiture exceeding two dollars.

Present By-laws in force until altered.

Proviso.

7. Until others shall be elected, according to the By-laws of the Corporation, the present Officers of the Association shall be those of the said Corporation, that is to say: Alexander Morris, President; the said David Brown shall be the first Vice-President; the said William Edmondstone shall be the second Vice-President; the said William Murray shall be the Treasurer; the said Ewen McLennan shall be the Secretary; the said George Templeton, Assistant Secretary; the Reverend William Snodgrass and the Reverend Alexander Ferrie Kemp, shall be the Chaplains; G. W. Campbell shall be the Physician; and the present Officers thereof shall be Members of the Charitable Committee, and of the Committee of Accounts respectively.

Present officers continue until others are elected.

Witnesses in suits where the Corporation is a party.

8. No person otherwise competent to be a witness in any suit, action or prosecution in which the said Corporation may be engaged, shall be deemed incompetent to be such witness, by reason of his being or having been a member or officer of the said Corporation.

Recovery of subscriptions, &c.

9. All subscriptions of members due to the Corporation under any By-law, all penalties incurred under any By-law by any person bound thereby, and all other sums of money due to the Corporation, shall be paid to the Treasurer thereof, and in default of payment may be recovered in any action brought by him in the name of the Corporation, in any Court of competent civil jurisdiction; Provided always, that nothing herein contained shall be construed to prevent any member from withdrawing at any time from the said Corporation, after payment of all arrears due to the funds thereof, including the annual subscription for the year then current, and giving notice in writing of such withdrawal.

Proviso.

Statement of accounts to be published.

10. The said Committee of management shall yearly, in the month of December, insert in some newspaper published in the city of Montreal, a statement of the amount of the funds and property, debts and liabilities of the Corporation, certified by the Treasurer and two or more of the Auditors elected at any General Meeting of the Corporation.

Saving of H. M's. rights, &c.

11. Nothing in this Act shall affect any rights of Her Majesty, Her Heirs or Successors, or any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected.

Public Act.

12. This Act shall be deemed a Public Act.

C A P . C X X X I X .

An Act to explain and amend the Act intituled, *An Act to enable the Members of the United Church of England and Ireland in Canada, to meet in Synod.*

[Assented to 16th August, 1858.]

Preamble.

19, 20 V. c. 121.

WHEREAS doubts exist whether in the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, intituled, *An Act to enable the Members of the United Church of England and Ireland in Canada, to meet in Synod*, sufficient provision is made for the representation of the Laity of the United Church of England and Ireland in the Synods by the said Act authorized to be held, and it is expedient that such doubts should be removed: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. For all the purposes of the aforesaid Act, the Laity shall meet by representation; and until it shall be otherwise determined by the Synod in each Diocese, one or more delegates (not exceeding three in any case,) may be elected at the annual Easter meetings in each parish, mission or cure within the diocese, or in cases where there may be more than one congregation, in any parish, mission or cure, then in each such congregation or at meetings to be specially called for the purpose by each Clergyman having a separate cure of souls; And all laymen within such parish, mission or cure, or belonging to such congregation, of the full age of twenty-one years, who shall declare themselves, in writing, at such meetings, to be members of the United Church of England and Ireland, and to belong to no other Religious denomination, shall have the right of voting at such election. Each Delegate shall receive from the Chairman of the meeting a certificate of his election, which he shall produce, when called upon so to do, at the Synod; and the first meeting of such Synod shall be called by the Bishop of the Diocese at such time and place as he shall think fit; Provided always, that no business shall be transacted by the Synod of any Diocese unless at least one fourth of the Clergy of such Diocese shall be present, and at least one fourth of the Congregations within the same be represented by at least one Delegate.

Lay Delegates to be chosen at Annual Easter Meetings, or at special meetings called by the Clergymen in each parish or cure.

Who may vote.

Credentials of Delegates.

Proviso: quorum for diocesan Synod.

2. All proceedings heretofore had in any Diocese under the aforesaid Act, which have been conformable to the provisions of this Act, shall be held to be valid, as if the same had taken place after the passing of this Act.

Proceedings heretofore had in conformity with this Act, legalized.

C A P . C X L .

An Act to authorize William McIntosh, of the Village of Newcastle, to sell, or otherwise dispose of a certain lot of land in the said Village of Newcastle.

[Assented to 16th August, 1858.]

WHEREAS William McIntosh, of the Village of Newcastle, in the Township of Clarke and County of Durham, merchant, has presented his petition stating, amongst other things, that the father of the said William McIntosh, William McIntosh, formerly of Newcastle aforesaid, departed this life in the year of our Lord, one thousand eight hundred and forty-nine, having, while residing at the Township of Darlington, which he did prior to residing at Newcastle, made and executed his last will and testament, bearing date the thirtieth day of April, in the year of our Lord, one thousand eight hundred and forty-two, by which said last will and testament the said William McIntosh did among other devises, devise to the said William McIntosh, the petitioner, the north three-quarters

Preamble.

Case recited.

three-quarters of lot number twenty-eight, in the Second Concession of the Township of Clarke, in the County of Durham aforesaid, containing one hundred and fifty acres of land, and now forming part of the Village of Newcastle aforesaid, to hold to the said petitioner, William McIntosh, for the term of his natural life, and from and after his natural life, to the first and all and every the son and sons of the said petitioner and the eldest son and sons of the said son and sons, and afterwards, in default of sons, to the daughters of the said petitioner, and to the eldest son and sons of such daughters, and in default of both sons and daughters, to the other sons and daughters of the said testator and their sons and daughters; That the Village of Newcastle has, since the death of the said testator, greatly increased in size and population, and promises still to increase greatly both in size and population, and that the south quarter of the said lot has been wholly laid out in village lots is now wholly built on and inhabited, and if the devisee could sell the said three quarters in fee it would also be wholly built on; That the said devisee is unmarried, and has neither sons nor daughters; That the said land as devised is almost valueless, and its being so entailed is also a serious injury to the inhabitants of the village and the village itself, impeding the growth thereof greatly; And whereas the said petitioner has prayed that he may have power and authority to hold the said land in fee simple, with power to sell, or otherwise dispose of the same freed and discharged from the limitations, restrictions or remainders created by the said Will; And whereas it is expedient, under proper restrictions, to grant the prayer of the said petitioner: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

W. McIntosh and a trustee to act with him, may dispose of the lands and invest the proceeds for the purposes of the entail.

1. William McIntosh, of the Village of Newcastle, in the County of Durham and Province of Canada, merchant, together with the person to be appointed as hereinafter mentioned, and designated as a Joint Trustee with the said William McIntosh, the petitioner, for the purposes of this Act, shall have full power and authority jointly to sell and alienate in lots the north three-quarters of lot number twenty-eight, in the second concession of the Township of Clarke aforesaid, in fee simple, and to give proper conveyances thereof, and to receive the consideration money for such sale, and in case of sales on time to take mortgage and to invest the consideration money in good and sufficient securities, in such manner that the interest may be received and used by the said William McIntosh, during his lifetime, and by those entitled to the same after his decease, while the entail shall subsist, and the capital shall be paid to such parties as may be entitled to the same after the entail has ceased to subsist.

Trustee to be appointed by

2. It shall and may be lawful to and for the Judge of the County Court of the United Counties of Northumberland and Durham,

Durham, or one of the Judges of the Superior Courts at Toronto, on the petition of the said William McIntosh, the petitioner, to appoint, by writing under his hand and the seal of the Court, which authority shall be registered in the registry office for the County of Durham, a fit and proper person to be joint trustee with the said William McIntosh, the petitioner, for the purposes of this Act, and in case of such or any joint trustee dying or becoming unable or unwilling to act or resigning, to appoint a new trustee in the place and stead of the one so dying or becoming unable or unwilling to act or resigning aforesaid.

the County
Judge or a
Judge of the
Superior
Courts.

3. This Act shall be deemed a Public Act.

Public Act.

CAP. CXLI.

An Act to authorize a deviation from the Laws of Lower Canada, as regards certain substitutions created by the Will of the late Dame Ann Wragg.

[Assented to 16th August, 1858.]

WHEREAS George Platt, John Platt, Henrietta Geddes and Emma M. Crawford, all of the City of Montreal, have by their Petition set forth that the said George Platt is rightfully and lawfully seized of, and possesses and enjoys the properties hereinafter described as tenant in possession (being also executor) under the last Will and Testament of the late Dame Ann Wragg, widow of the late John Platt, of the City of Montreal, Esquire, bearing date the twelfth day of July, one thousand eight hundred and thirty-seven, and executed before I. J. Gibb and colleague, Notaries Public, and have prayed that legislative provision may be made for the sale of the said properties; And whereas it is expedient to grant the prayer of the said Petition, and for that purpose to authorize, in this particular case, a deviation from the laws of that part of the Province of Canada called Lower Canada, relating to substitutions, as regards the said properties, in order to give relief to the tenant in possession, and to afford him the means of support, as well as the means of support for the substitutes, as expressed and intended in and by the last Will and Testament creating such substitution: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain property of the estate may be sold.

1. The following properties in the City of Montreal, together with their buildings, members and appurtenances, to wit: That certain property forming the north corner of Sherbrooke and Durocher Streets, and bounded on the south-east side by Sherbrooke Street aforesaid, on another side to the south-west by Durocher Street aforesaid, on another side to the north-west by property of John Frothingham, Esquire, and on the other

side

side to the north-east by property of the Heirs Hutchison, and William Lunn, Esquire; and that certain other property forming the corner of Wellington and Grey Nuns Streets, St. Ann's Suburb, bounded on one side to the north-east by Grey Nuns street aforesaid, and on another side to the north-west by Wellington Street aforesaid, on another side to the south-east by representatives of J. H. Lambe, and on the other side to the south-west by Zeno Clarke, may be sold, hypothecated or exchanged, in whole or in part, to increase the revenues of the tenant in possession, and for the after benefit of the substitutes to the said property, to wit: the whole of either property, and with the proceeds thereof to build upon the other; or, any part or portion of either or both of said properties, and with the proceeds thereof to build upon the other, or unsold part or portion of either or both of the said properties; or both the said properties, and with the proceeds thereof to buy another property or properties with or without buildings, and if without buildings to build thereon; and the said new property or properties, and the rents, issues, interests, revenues and profits thereof to be subject to the aforesaid last Will and Testament.

And the rest improved with the proceeds.

Assembly of relations and friends and election of a tutor.

And to carry out the aforesaid purposes, a Petition shall be presented by the Tenant in possession, to one of the Judges of the Superior Court in the District of Montreal, who is hereby appointed to act in the premises, and hereby fully authorized for all and every the effects, intents and purposes hereof, praying him to call a meeting of the seven nearest relations of the substitutes born at and living at the time; or in default of relations or their failing to attend, of a similar number of the friends of the substitutes; the said relations or friends shall be summoned by an order of the Judge to that effect to meet at some particular place and time, and proof of such summons must be made by the return of a Bailiff of the Court in which the said Judge holds his seat, or of a Notary Public.

Election of tutor.

Upon the day appointed for holding the meeting of the relations or friends of the substitutes, if the seven relations or friends so summoned shall not attend and be present, it shall be and hereby is made lawful to supply the deficiency by calling in strangers; such strangers to be subject to the approval of or rejection by the said Judge; and when and after the number is completed, the Judge shall proceed to receive the advice of the meeting in the manner usual at meetings for the appointment of Tutors; and the said Judge is hereby invested with power sufficient to appoint a Tutor on behalf of and to act for the substitutes, and the said Judge shall be guided by the law for the ordinary appointment of Tutors. The Tenant in possession, being the Father, may be Tutor if recommended by the said *assemblée de parents*.

Responsibility of tutor, &c.

The Tutor so appointed shall be responsible for his management, and for any acts prejudicial to the substitutes, or any acts

acts of negligence; and from the day of his acceptance of the Tutorship, a legal hypothec, special and general, shall exist upon his property; and in case of any refusal to accept such appointment of Tutor, or to act after acceptance thereof, the Tenant in possession is hereby named Tutor instead, without form and with all the powers.

Tenant in possession may be tutor, &c.

Within ten days of the appointment of a Tutor, as in either case provided as aforesaid, the same shall be registered.

Registration.

The Judge's decision shall set forth:

1. The extent and designation of the real estate to be alienated, exchanged, hypothecated or sold;
2. The minimum price for which it may be so alienated, sold and hypothecated;
3. The description of the improvements, and the maximum sum to be paid therefor;
4. The length of time to be advertised, and in what newspapers.

What the Judge must determine.

The sale shall be public, and shall take place in a reasonable time after the date of the Judge's authorization and after duly advertising, and the property shall be sold to the highest bidder above the price mentioned by the Judge, for cash or on usual time; and the sale shall be conducted in a similar manner and as customarily done in public sales of property.

Sale of the property.

The purchase money shall be paid to the Tutor and Tenant in possession, who shall grant receipt therefor.

Payment.

2. This Act shall apply to the said properties or any part thereof, now holden by the Tenant in possession under the said Will, only until but not after the alienation, hypothecation, exchange or sale thereof, or any part thereof; the sale hypothecation, exchange or alienation thereof or any part thereof, under and by authority of this Act, shall carry with it a clearance and release of and from the said substitution; but in case of building up or improving said property or properties, the one with the proceeds of the other, or part or parts thereof, and when the same shall have been made, completed and finished, then the office, duties and responsibilities of the Tutor shall cease and determine, and the said property, as improved, altered and built up as aforesaid, or any new property bought with the proceeds of the sale of the aforesaid property or of any part thereof, with all the buildings, members and appurtenances, rents, issues and profits, shall be held and enjoyed by the Tenant in possession and his substitutes, and be subject to the same conditions, restrictions and limitations, as if held under

Act to apply to one sale only of the property.

And improvements or new property to be bound by the substitution.

and originally affected by the said Will and *contrat de mariage* of the said Tenant in possession.

Public Act.

3. This Act shall be deemed a Public Act.

C A P . C X L I I .

An Act to confirm the titles of purchasers and mortgagees of lands and hereditaments in Upper Canada, under the marriage settlement of John Stewart Lyon and Mary Theresa Dickson.

[Assented to 16th August, 1858.]

Preamble.

Case recited.

WHEREAS John Stewart Lyon, of Kikmichael, in the County of Dumfries, North Britain, and Mary Theresa, his wife, Thomas Bushby, of the same County, a Captain in Her Majesty's Royal Navy, George Lyon, of Dabruscan, in the same County, Esquire, Isaac Bayley, of Mannel, in the County of Sterling, in North Britain, Esquire, and John Ewart, of the City of London, in England, Esquire, have, by their Petition, represented as follows : That by Indenture of Lease, and Assignment and Release, dated the Eighth and Ninth days of November, one thousand eight hundred and thirty-six, the Assignment and Release made between the said Mary Theresa Lyon, by her then name and description of Mary Theresa Dickson of Queenston, in the Province of Upper Canada, Spinster, of the first part ; the said John Stewart Lyon, of the second part ; Walter Dickson, Richard Mackenzie, the said Thomas Bushby, George Lyon and Isaac Bayley, of the third part ; by which after reciting, amongst other things, that a marriage had been agreed upon, and was intended to be had and solemnized, between the said John Stewart Lyon and Mary Theresa Dickson, it is witnessed, that the said Mary Theresa Dickson, for the considerations therein mentioned, did, with the privity and approbation of the said John Stewart Lyon, convey the messuages or tenements, lands and hereditaments mentioned and described in the Schedule thereunto annexed, and also all other her messuages or tenements, lands and hereditaments (if any) situate, lying and being in the then Province of Upper Canada, or any dependencies thereof, or elsewhere in His then Majesty's American Colonies, with the appurtenances (save and except such as were held by way of mortgage) unto the said Walter Dickson, Richard Mackenzie, Thomas Bushby, George Lyon and Isaac Bayley, their heirs, executors, administrators and assigns respectively, to the use of the said Mary Theresa Dickson until the said intended marriage, and after the solemnization thereof, to the use of them the said Walter Dickson, Richard Mackenzie, Thomas Bushby, George Lyon and Isaac Bayley, their heirs, executors, administrators and assigns for ever,—Upon trust at such time or times during

during the lives of the said John Stewart Lyon and Mary Theresa Dickson, and of the survivor of them as they or the survivor should by any writings under their, his or her hands or hand, direct or appoint, and after the decease of such survivor, then at such time or times as to the trustees or trustee for the time being of the said indenture should seem expedient, to sell and dispose of the same in manner therein mentioned, and it was by the said indenture declared that the said trustees should stand possessed of the money to arise and be produced by the said sales and also of the rents and profits of the said hereditaments until sold, upon the trusts and for the ends, intents and purposes, and subject to the powers, provisoes, agreements and declarations as were or should be expressed and declared concerning the same, by an Indenture of Settlement then already prepared, and bearing even date with the Indenture in recital (being the settlement made on the marriage of the said John Stewart Lyon and Mary Theresa Dickson), and made between the said Mary Theresa Dickson, of the first part ; the said John Stewart Lyon, of the second part ; and the said Walter Dickson, Richard Mackenzie, Thomas Bushby, George Lyon and Isaac Bayley, of the third part : and that by the same Indenture of Release and Assignment, the said Mary Theresa Dickson, with the like privity and approbation of the said John Stewart Lyon, conveyed and assigned all the messuages, lands, tenements and hereditaments situate in Upper Canada aforesaid, or elsewhere soever, to which she was entitled as a mortgage in fee, or for any term or terms of years, or other estate, term or interest, together with the principal moneys and interest secured thereon, and full power and authority to recover, receive and discharge the same, unto the said Walter Dickson, Richard Mackenzie, Thomas Bushby, George Lyon and Isaac Bayley, their heirs, executors, administrators and assigns respectively, (subject to the subsisting equities of redemption therein), upon and for the trusts, intents, and purposes, and with, under and subject to the powers, provisoes, declarations and agreements thereafter expressed or referred to, of and concerning the same, being the same trusts as are by the said Indenture of Settlement declared of and concerning the moneys that are to arise from the sale of the lands and hereditaments aforesaid ; That the said Richard Mackenzie, by deed poll under his hand and seal, dated the Fourth day of July, one thousand eight hundred and thirty-seven, renounced and disclaimed the trust estates intended to have been vested in him by the said in part recited Indenture : That, by a certain Indenture, dated the Fourteenth day of June, one thousand eight hundred and forty-two, indorsed upon a certain other Indenture, dated the Ninth day of November, one thousand eight hundred and thirty-six, being an assignment of certain stocks, funds and personal securities upon the trusts of the said Indenture of Settlement, and made between the said John Stewart Lyon, and Mary Theresa, his wife, of the first part ; the said Walter Dickson, Thomas Bushby, George Lyon and Isaac Bayley,

Bayley, of the second part; the said John Ewart, of the third part; and William Gordon, of Old Broad Street, in the City of London, Gentleman, of the fourth part, the said John Ewart was duly appointed a trustee of all and singular the messuages, lands, tenements, and hereditaments, property, funds, moneys, and premises whatsoever, in the said Indenture of Settlement mentioned, in the place and stead of the said Walter Dickson, in all respects as if the said John Ewart had been originally nominated and appointed trustee of the said trust property and funds, and all and singular the shares, debentures, debts and other things therein mentioned, (and which are set forth in the second schedule annexed to the power of attorney in the said petition recited or referred to), and all and singular other sum and sums of money, stocks, funds, securities, debts and personal estate and effects whatsoever which were then held by or vested in them the said Walter Dickson, Thomas Bushby, George Lyon and Isaac Bayley, under or by virtue of the said indenture of settlement,—unto the said William Gordon, upon trust that he should forthwith assign and transfer the same unto the said Thomas Bushby, George Lyon, Isaac Bayley and John Ewart, their executors, administrators and assigns, to be held by them, upon the trusts of the said indenture of settlement, and which the said William Gordon accordingly, by deed poll dated the fifteenth day of June, one thousand eight hundred and forty-two, and also indorsed upon the said indenture of the ninth day of November, one thousand eight hundred and thirty-six, assigned unto the said Thomas Bushby, George Lyon, Isaac Bayley and John Ewart, their executors, administrators and assigns; That by certain indentures of Lease and Release, bearing date respectively, the thirteenth and fourteenth days of June, one thousand eight hundred and forty-two, the release being made between the said Walter Dickson, Thomas Bushby, George Lyon and Isaac Bailey, of the first part, the said William Gordon, of the second part, and the said Thomas Bushby, George Lyon, Isaac Bayley and John Ewart, of the third part, which recited amongst other things, that there were certain inaccuracies in the enumeration of the lands and hereditaments in the Schedule annexed, or written under the said Indenture of release of the ninth day of November, one thousand eight hundred and thirty-six, and that since the date and execution thereof, parts of the said hereditaments had been sold and disposed of, and that the Schedule to the Indenture of release then in recital, was believed to contain a true and correct account of the whole of the said trust lands and hereditaments, as existing on the thirty-first day of December, one thousand eight hundred and forty-one; It is by the indenture of release, then in recital witnessed, that by force and virtue and in exercise and execution of the power and authority for that purpose, by the said Indenture of release of the ninth day of November, one thousand eight hundred and thirty-six, given or limited to, or vested in the said Walter Dickson, Thomas Bushby, George Lyon and Isaac Bayley

Bayley, as such continuing Trustees as aforesaid, and of all other power and authorities enabling them in that behalf, and for the considerations therein mentioned, they the said Walter Dickson, Thomas Bushby, George Lyon and Isaac Bayley, did grant, bargain, sell, release, enfeoff, convey and confirm unto the said William Gordon, his heirs, executors, administrators and assigns, all and singular the messuages, lands, tenements and hereditaments conveyed to the said Walter Dickson, Richard Mackenzie, Thomas Bushby, George Lyon and Isaac Bayley, and their heirs, in and by the said Indenture of the ninth day of November, one thousand eight hundred and thirty-six, and which then remained vested in the said Walter Dickson, Thomas Bushby, George Lyon and Isaac Bayley (save and except only such as were vested in or in trust for them, by way of mortgage, and which were intended to be thereafter conveyed and assigned) to hold unto and to the use of the said Thomas Bushby, George Lyon, Isaac Bailey and John Ewart, their heirs, executors, administrators and assigns, nevertheless upon the trusts in the said Indenture or release of the ninth day of November, one thousand eight hundred and thirty-six, expressed or declared; And that it is by the Indenture of release in recital further witnessed, that the said Walter Dickson, Thomas Bushby, George Lyon and Isaac Bayley, did grant, bargain, sell, release, enfeoff, assign and confirm unto the said William Gordon, his heirs, executors, administrators and assigns, all and singular, the messuages, lands, tenements, hereditaments and premises, situate, lying and being in the Province of Upper Canada aforesaid, or elsewhere soever, which at the time of the execution of the said Indenture of the ninth day of November, one thousand eight hundred and thirty-six, were vested in or in any Trustee or Trustees for the said Mary Theresa Dickson as Mortgagee, and which were thereby conveyed or expressed to be conveyed to the said Walter Dickson, Richard Mackenzie, Thomas Bushby, George Lyon and Isaac Bailey, their heirs and assigns, and which then remained vested in the said Walter Dickson, Thomas Bushby, George Lyon and Isaac Bayley, unto the said William Gordon, his heirs and assigns, to the use of the said Thomas Bushby, George Lyon, Isaac Bayley and John Ewart, their heirs and assigns respectively, according to the nature and tenure of the respective premises, and for all the estates and interests of the said Walter Dickson, Thomas Bushby, George Lyon and Isaac Bayley therein, and subject to such rights and equities of redemption as were then subsisting of the same respectively, but nevertheless upon and for the trusts in and by the said Indenture of release of the ninth day of November, one thousand eight hundred and thirty-six, expressed and declared of and concerning the same; That by deed poll under the hands and seals of the said Thomas Bushby, George Lyon, Isaac Bayley and John Ewart, and also of the said John Stewart Lyon and Mary Theresa, his wife, and dated the nineteenth day of August, one thousand eight hundred and forty-two, the said Thomas Bushby, George

George Lyon, Isaac Bayley and John Ewart, by and with the concurrence of John Stewart Lyon and Mary Theresa, his wife, constituted and appointed John Hamilton, Gilbert McMicken, and Jacob Keefer, jointly and severally their Attornies and Attorney for the purpose of carrying into effect the trusts expressed and declared in the said Indenture of release of the ninth day of November, one thousand eight hundred and thirty-six, for the sale of the said lands and hereditaments and the recovery and collection of the principal moneys and interest due and owing upon the said mortgage securities in the same Indenture respectively mentioned; That in pursuance of the powers and authorities to them given or reserved in and by the same deed poll or letter of Attorney, the said John Hamilton, Gilbert McMicken and Jacob Keefer, sold and conveyed divers and divers parts of the several messuages, lands and hereditaments comprised in and conveyed by the said thereinbefore recited Indentures of lease and release of the eighth and ninth days of November, one thousand eight hundred and thirty-six, and the thirteenth and fourteenth days of June, one thousand eight hundred and forty-two, to divers persons who became the purchasers thereof respectively for divers sums of money which have been duly remitted to the said Thomas Bushby, George Lyon, Isaac Bayley and John Ewart, as Trustees of the said Indenture of settlement made on the marriage of the said John Stewart Lyon and Mary Theresa, his wife, and conveyed the same lands and hereditaments to the respective purchasers thereof; And that doubts have arisen whether under the trusts contained and declared in and by the said Indenture of release and assignment of the ninth day of November, one thousand eight hundred and thirty-six, the said Thomas Bushby, George Lyon, Isaac Bayley and John Ewart, were well and sufficiently empowered to authorize the said John Hamilton, Gilbert McMicken and Jacob Keefer, as their Attornies, to act in the sale of the said lands and hereditaments or the release and discharge of the said mortgaged premises to the owners thereof on payment of the respective mortgage moneys, or whether such sales and releases respectively were well and effectually made, or the said John Stewart Lyon and Mary Theresa, his wife, were effectually bound by the sales and releases thereof, so respectively made by the said Attornies or by the several deeds of conveyance and release made and executed by them to the respective purchasers of the said lands and hereditaments, and whether the assent of the said John Stewart Lyon and Mary Theresa, his wife, to such sales was sufficiently evidenced by their being parties to and concurring in the said deed poll or power of Attorney for the purpose of effectuating the several sales and releases of the said lands and hereditaments; And whereas the said petitioners have by the said petition prayed for an Act to quiet the possession of the several purchasers and mortgagees of the said lands and hereditaments, and of all parties claiming by, from, through, under or in trust for them respectively, and to confirm the said several sales, releases,

releases, deeds and conveyances thereof; And whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The right, title, interest, property, possession, benefit, claim and demand of the several parties who have become the respective purchasers of the said lands and hereditaments situate in Upper Canada, and of all parties claiming by, from, through, under, or in trust for them, so far as such right, title, interest, property, possession, claim and demand can or may be impeached or affected under or by reason of any act or deed made, done or executed by the said Thomas Bushby, George Lyon, Isaac Bayley, and John Ewart, or by the said John Hamilton, Gilbert McMicken and Jacob Keefer, or any or either of them, as the attorneys or attorney of them the said Thomas Bushby, George Lyon, Isaac Bayley and John Ewart; and all sales and releases which have been made, and all deeds and conveyances which have been executed by the said Thomas Bushby, George Lyon, Isaac Bayley, and John Ewart, by their said Attorneys, or any or either of them, shall be as valid and effectual to all intents and purposes whatsoever, as if the said John Stewart Lyon and Mary Theresa, his wife, had by writing under their respective hands directed and appointed each separate sale and release according to the exigency or supposed exigency of the trusts contained and declared in and by the said indenture of release and assignment of the ninth day of November, one thousand eight hundred and thirty-six, and as if the said Thomas Bushby, George Lyon, Isaac Bayley and John Ewart had themselves sold and disposed of and released the same lands and hereditaments respectively, and had in their own proper persons and under their own respective hands and seals made and executed the deeds of conveyance and release of the same respectively, to the several purchasers and mortgagees thereof respectively, and their respective heirs and assigns.

Certain sales, mortgages and releases by the Attornies of Messrs. Bushby, Lyon, Bayley and Ewart, to be as valid as if made by the said parties themselves on the express direction and appointment of J. S. Lyon and his wife with respect to every sale or release.

2. This Act shall be deemed a Public Act.

Public Act.

CAP. CXLIII.

An Act to authorize the Court of Chancery, and the Courts of Queen's Bench and Common Pleas, in Upper Canada, to admit Shubael Park to practise as a Solicitor and Attorney.

[Assented to 16th August, 1858.]

Preamble.

Act 20 V. c.
63,

Shubael
Park's case
stated.

WHEREAS by an Act of the Legislature of Canada, passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to amend the law for the admission of Attorneys*, it is amongst other things enacted, that from and after the passing of the said Act, no person shall act as an Attorney or Solicitor in Her Majesty's Court of Chancery, or Courts of Queen's Bench or Common Pleas, or in any County Court in Upper Canada, without complying with certain conditions and restrictions thereinafter mentioned; And whereas it appears by the petition of Shubael Park, of the City of Hamilton, in the County of Wentworth, and Province of Canada, Gentleman, that the petitioner has been duly called and admitted to the practice of the law, as Barrister, in Upper Canada, and has duly taken the oath of allegiance in accordance therewith; And whereas it also appears that he was duly articulated for one year as an attorney's clerk to Walter Graham, in the Town of Simcoe, in the County of Norfolk, then a practising Attorney and Solicitor, respectively, for the Courts of Law and Equity in and for Upper Canada; that the petitioner's articles were at the end of the said year duly assigned to George Sylvester Tiffany, of the City of Hamilton, in the County of Wentworth, then, another Attorney as aforesaid; and that the said petitioner was, in accordance therewith, duly articulated to the said George Sylvester Tiffany for the further term of two years; that the said articles, at the expiration of the said two years, were duly assigned to Samuel Black Freeman, another Attorney as aforesaid, of the said City of Hamilton; that the petitioner was duly articulated to the said Samuel Black Freeman for the further term of over two years, making the whole term of the petitioner's service under articles over five years; that the said Walter Graham and George Sylvester Tiffany are both since deceased, and that the said articles and transfers have since been lost; And whereas the said petitioner is desirous of practising as an Attorney and Solicitor, respectively, in the said Courts of Law and Equity in Upper Canada, and it is expedient to relieve him from the disability of the said Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Courts of Law
and Equity in

1. It shall and may be lawful for the Courts of Queen's Bench and Common Pleas in Upper Canada, in their discretion, and

and after the usual examination, to admit the said Shubael Park, without production of certificates, attendance during the sittings of either of the Courts during term time, production, filing or enrollment of articles or further servitude or oath of allegiance, to practise as an Attorney of the said Courts; and it shall also be lawful for the Court of Chancery in Upper Canada aforesaid, in its discretion, and after the usual examination, to admit the said Shubael Park to practise as a Solicitor in the said Court of Chancery, without production of certificates, attendance during the sittings of either of the Courts during term time, production, filing or enrollment of articles or further oath of allegiance or servitude as aforesaid, any law or usage to the contrary notwithstanding.

U. C. may in their discretion admit S. Park to practise as an Attorney, &c.

2. This Act shall be deemed a Public Act.

Public Act.

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Law Printer to the Queen's Most Excellent Majesty.

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