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STATUTES

OF THE

PROVINCE OF CANADA

PASSED IN THE SESSION HELD IN THE

TWENTY-NINTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

BEING THE FOURTH SESSION OF THE EIGHTH PARLIAMENT OF CANADA.

Begun and holden at Quebec, on the Eighth day of August, in the year of Our
Lord One Thousand Eight Hundred and Sixty-five.



HIS EXCELLENCY
THE RIGHT HONORABLE CHARLES STANLEY VISCOUNT MONCK
GOVERNOR GENERAL.

QUEBEC:
PRINTED BY MALCOLM CAMERON,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1865.





ANNO VICESIMO-NONO

VICTORIÆ REGINÆ.

CAP. I.

An Act to amend the Act intituled: *An Act containing special Provisions concerning both Houses of the Provincial Parliament.*

[Assented to 18th September, 1865.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. After the second sub-section of the seventh section of the Act, intituled: *An Act containing special Provisions concerning both Houses of the Provincial Parliament*, being the section thereof relating to penalties on disqualified persons sitting or voting in the Provincial Parliament, shall be added the following as third, fourth and fifth sub-sections to the said section, that is to say : New subsection added to section 7 of Con. Stat. of Can. c. 3.

3. In case any such action, suit or information be brought, and judgment therein be recovered against the defendant, no proceedings shall be had in any other such action, suit or information against the same person, for any such offence committed before the time of notice to him of the recovery of such judgment ; Proceedings after recovery of judgment.

4. While any such action, suit or information shall be pending, no other such action, suit or information shall be brought against the same defendant ; While action pending no new action to be brought.

5. The Court wherein any such other action, suit or information is brought, contrary to the intent and meaning of this Act, shall and may, upon the defendant's motion, stay the proceedings therein, if such first mentioned action, suit or information be prosecuted without fraud, and with effect ; but no action, suit or information shall be deemed an action, suit or information within this Act, unless so prosecuted. Proceedings in such other action may be stayed and how.

CAP.

C A P . I I .

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the financial year ending thirtieth June, 1866, and for other purposes connected with the Public Service.

[Assented to 18th September, 1865.]

MOST GRACIOUS SOVEREIGN :

Preamble.

WHEREAS it appears by messages from His Excellency the Right Honorable Charles Stanley, Viscount Monck, 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, that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province not otherwise provided for, for the financial year ending on the thirtieth day of June, one thousand eight hundred and sixty-six, and other purposes connected with the public service: May it therefore please Your Majesty that it may 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,—

\$5,006,145 02
granted out of
Con. Rev.
Fund for pur-
poses mention-
ed in the
Schedule.

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied, a sum not exceeding in the whole five million, six thousand, one hundred and forty-five dollars, and two cents, for defraying the several charges and expenses of the Civil Government of this Province, for the financial year ending on the thirtieth day of June, one thousand eight hundred and sixty-six, not otherwise provided for, and set forth in the Schedule to this Act, and for the other purposes therein mentioned.

Certain sums
paid out of vote
of credit to be
charged as paid
out of those
granted by this
Act, and any
unexpended
balance of vote
of credit, can-
celled.

2. The amount of such sums of money as may have been paid during the first quarter of the present financial year, for or on account of any of the services mentioned in the Schedule to this Act, out of the sum of two million dollars granted for such services by the Act passed in the now last session of the Provincial Parliament, chapter three, shall be charged as having been paid out of the sums granted for such services by this Act, and the balance of the said grant of two million dollars after deducting the amount expended up to thirtieth June, one thousand eight hundred and sixty-five, as detailed in a statement laid before the Legislative Assembly, viz: one million six hundred and sixty-three thousand five hundred and sixty-seven dollars and twenty-four cents, shall be cancelled and returned to the Consolidated Revenue Fund.

3. 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, towards making good the sums charged on the said Fund by this Act, for the Public Service.

Loan of \$1,000,000 authorized on credit of Con. Rev. Fund.

4. 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 cent. 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 on the Consolidated Revenue Fund of this Province.

How to be raised.

Rate of interest, &c.

5. The sum of twenty thousand two hundred dollars appropriated by the Schedule to this Act for certain Gaols and Court Houses in Lower Canada, shall and may be paid and applied out of the Lower Canada Building and Jury Fund, for the purposes mentioned in the said Schedule;

\$20,200 out of Special Fund.

And the sum of twenty-five thousand dollars appropriated by the said Schedule towards the enlargement of the Lunatic Asylum at Toronto, shall and may be paid and applied for that purpose out of the Upper Canada Building Fund.

\$25,000 out of Special Fund.

6. Accounts in detail of the moneys expended under the authority of this Act, shall be laid before both Houses of the Legislature of this Province at each Session thereof.

Accounting clause to Parliament.

7. The due application of all moneys 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.

Accounting clause to Her Majesty.

SCHEDULE.

Sums granted to Her Majesty by this Act and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Civil Government.</i>		
Governor General's Secretary's Office	1,976 00	
Provincial Secretary's Office	12,266 80	
Provincial Registrar's Office	4,945 00	
Receiver General's Office	12,185 00	
Department of the Minister of Finance	\$12,100 00	
Do Customs Branch	14,330 00	
Do Audit Branch	10,370 00	
	36,800 00	
Executive Council Office	8,950 00	
Department of Public Works	\$12,217 50	
Do Engineering Branch	8,792 50	
	21,010 00	
Bureau of Agriculture	17,475 00	
Post Office Department	24,240 00	
Crown Lands Department	\$52,686 00	
Do Indian Management Branch	6,620 00	
	59,306 00	
Office of the Attorney and Solicitor General, East	2,410 00	
Do West	4,838 32	
Contingencies	60,000 00	
Arrears of Salaries, Governor Secretary's Office	154 66	
	266,556 78	
<i>Administration of Justice, Canada East.</i>		
To meet Salaries and contingent expenses, not otherwise provided for		170,000 00
<i>Administration of Justice, Canada West.</i>		
To meet Salaries and contingent expenses, not otherwise provided for		37,910 00
<i>Police.</i>		
Expenses of the River Police, Quebec, for the present year	11,000 00	
Do do Montreal, do		
(whereof \$3,700 to be repaid by Harbour Commissioners)	11,000 00	
	22,000 00	
<i>Carried over</i>		\$496,466 78

SCHEDULE—Continued.

SERVICE.	Amount.		Total.
	\$	cts.	\$ cts.
<i>Brought over</i>			496,466 78
<i>Penitentiary, Reformatories and Prison Inspection.</i>			
<i>Provincial Penitentiary—</i>			
Maintenance — (against which there will be revenue estimated at \$40,000..)	\$107,400	00	
Building Materials, &c	8,500	00	
			115,900 00
<i>Rockwood Asylum—</i>			
Building Materials	\$5,650	00	
Salaries of Architect, Officers and Guards connected with Building operations..	7,490	00	
Heating and lighting buildings, and making provision for water supply ..	20,400	00	
	33,540	00	
Maintenance	16,115	00	
			49,655 00
<i>Reformatory Prison at Penetanguishene—</i>			
Maintenance	\$20,500	00	
New buildings	11,650	00	
			32,150 00
<i>Reformatory Prison, St. Vincent de Paul—</i>			
Maintenance	\$21,550	00	
To replace Stores, Furniture and Tools destroyed by fire 7th August, 1864, and for fencing, &c., &c.	7,530	00	
			32,080 00
<i>Inspection of Prisons and Asylums</i>			11,000 00
			240,785 00
<i>Legislation.</i>			
<i>Legislative Council—</i>			
Salaries and contingent expenses. (Two Sessions)..	63,120	00	
<i>Legislative Assembly—</i>			
Salaries and contingent expenses. do ..	244,280	00	
<i>Miscellaneous—</i>			
Printing and binding the Laws (2 Sessions)	\$35,000	00	
Distributing do do	4,000	00	
Printing Civil Code for Lower Canada.	10,000	00	
Grant to Parliamentary Library.	4,000	00	
Salary of Clerk of the Crown in Chancery	1,280	00	
Contingencies of do do	600	00	
			54,880 00
			362,280 00
<i>Carried over</i>			\$1,099,531 78

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>			1,099,531	78
<i>Education.</i>				
Additional sum for Common Schools Upper and Lower Canada (6,000 of which out of the Lower Canada share to be applied to Normal Schools).....	160,000	00		
Aid to Superior Education Income Fund, Lower Canada.....	\$25,000	00		
Do do Upper Canada.....	25,000	00		
		50,000		
To be distributed as follows:				
Victoria College, Cobourg.....	\$5,000	00		
Queen's College, Kingston.....	5,000	00		
Regiopolis, College, do.....	3,000	00		
St. Michael's College, Toronto.....	2,000	00		
Trinity College, do.....	4,000	00		
Bytown College, Ottawa.....	1,400	00		
L'Assomption College, Sandwich.....	1,000	00		
Grammar School Fund, U. C.....	3,600	00		
	\$25,000	00		
Additional sum for Common Schools, Upper and Lower Canada, the proportion for Upper Canada, to be applicable to Grammar Schools.....	32,000	00		
Advance to Superior Education Fund, Lower Canada, to meet the deficit of Income.....	30,000	00		
Salaries and Contingencies of Department of Education.....			19,485	00
Do do do L. C.....			13,600	00
Do do do U. C.....				
			305,085	00
<i>Literary and Scientific Institutions.</i>				
Observatory Quebec—to defray expenses.....	2,400	00		
Do Toronto do.....	4,800	00		
Do Kingston do.....	500	00		
Do Montreal do.....	500	00		
Aid to Medical Faculty McGill College, Montreal.....	750	00		
Do do Victoria College, Cobourg.....	750	00		
Do School of Medicine, Montreal.....	750	00		
Do do Toronto.....	750	00		
Do do Kingston.....	750	00		
Do Canadian Institute, Toronto.....	750	00		
Do Natural History Society, Montreal.....	750	00		
Do Literary and Historical Society, Quebec.....	750	00		
Do Canadian Institute, Ottawa.....	300	00		
Do Athenæum, do.....	300	00		
			14,800	00
<i>Carried over</i>			1,419,416	78

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over.</i>		1,419,416 78
<i>Hospitals and Charities.</i>		
<i>Marine and Emigrant Hospital, Quebec</i>	21,098 00	
<i>Provincial Lunatic Asylum, including University Branch, Toronto—Maintenance, &c.</i>	69,530 00	
<i>Orilia Lunatic Asylum—</i>		
Maintenance for the current year. . . . \$14,750 00		
Additional to meet outstanding liabilities of last year. 2,350 00	17,100 00	
<i>Malden Lunatic Asylum—Maintenance</i>	27,600 00	
<i>St. John's Lunatic Asylum— do</i>	14,500 00	
<i>Beauport Lunatic Asylum, Quebec</i> \$80,000 00		
Arrears of last year. 10,653 69	90,653 69	
<i>Shipwrecked Mariners.</i>	600 00	241,081 69
<i>Geological Survey</i>		
To meet expenses of the Geological survey of the Province of Canada, for the year ending 30th June, 1866.		20,000 00
<i>Arts, Agriculture and Statistics.</i>		
Aid to Boards of Arts and Manufactures, Upper and Lower Canada, at \$2,000 each.	4,000 00	
Printing, &c., specifications and drawing of Patents . . .	3,000 00	
Dublin Exhibition—Balance.	1,000 00	8,000 00
<i>Agricultural Societies.</i>		
Aid to Boards of Agriculture, Upper and Lower Canada, at \$4,000 each.		8,000 00
<i>Emigration.</i>		
Salaries and Contingent expenses of the Emigration Department and for maintenance of the Quarantine Establishment at Grosse Isle		49,000 00
<i>Pensions.</i>		
Samuel Waller, as late Clerk of Committees to the Legislative Assembly, Lower Canada	400 00	
John Bright, as late Messenger do do	80 00	
Louis Gagné, do do do	72 00	
<i>Carried over.</i>	552 00	1,745,498 47

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	552 00	1,745,498 47
<i>Pensions—Continued.</i>		
G. B. Faribault, as late Clerk Assistant, Legislative Assembly	1,600 00	
Mrs. Catherine Antrobus	800 00	
Mrs. Charlotte McCormick	400 00	
Pierre Bouchard, for wounds received in the Public Service	100 00	
Jacques Brien do	80 00	
		3,532 00
<i>Indian Annuities.</i>		
New Indian Annuities.....	4,400 00	
Lower Canada Indians	400 00	
		4,800 00
Rents, Insurances and Repairs, Public Buildings—Including two years's Rent of Rideau Hall.....		53,000 00
<i>Roads and Bridges.</i>		
Colonization Roads of Upper Canada.....	\$50,000 00	
Do Lower Canada.....	50,000 00	
	100,000 00	
Balance of Improvement Fund.....	41,739 40	
		141,739 40
<i>Ocean and River Steam Service.</i>		
Tug Service between Montreal and Kingston.....	12,500 00	
Provincial Steamers.....	60,000 00	
		72,500 00
<i>Light-Houses and Coast Service.</i>		
Trinity House, Quebec, as per detailed Estimates....	44,221 10	
Trinity House, Montreal, do do	24,950 00	
Inland Lake and River Lights.....	49,000 00	
Allowance to Pierre Brochu for residing at Lake Matapedia, on the Kempt Road, to assist travellers thereon.....	\$100 00	
Allowance to Marcel Brochu, do at Petit Lac..	100 00	
Do to Jonathan Noble, do at La Fourche	100 00	
Do to Thomas Evans, do at Assametquagan	100 00	
	400 00	
Proportion of expense of maintenance of Light-Houses on Islands of St. Paul and Scatterie, in the Gulf...	2,500 00	
		112,071 10
<i>Carried over</i>		2,183,140 97

SCHEDULE.

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>		2,133,140 97
<i>Culling Timber.</i>		
Salaries and Contingent Expenses of Supervisor of Cullers' Office, Quebec and Montreal, (exclusive of Fees to Cullers).....		20,000 00
<i>Fisheries.</i>		
Lower Canada, (including Bounties).....	20,000 00	
Upper Canada.....	2,200 00	22,200 00
<i>Railway and Steamboat Inspection.</i>		
Railways.....	5,000 00	
Steamboats.....	6,500 00	11,500 00
<i>Miscellaneous.</i>		
For Miscellaneous Government Printing.....	6,000 00	
For Advertisements and Subscriptions, Canada Gazette.....	6,500 00	
For Postages of Canada Gazette.....	800 00	
Removal to Ottawa, additional.....	50,000 00	
Miscellaneous unforeseen expenses of the Public Service.....	60,000 00	
Shipping Master's Office.....	1,200 00	
Costs of Suit in re H. McCarthy.....	530 00	
To pay advertising Official Assignees under Insolvent Act, By Board of Trade, Montreal.....	71 15	125,101 15
<i>Collection, Maintenance and other Charges on Revenue.</i>		
Customs (exclusive of duties refunded).....	330,000 00	
Excise (exclusive of commissions).....	10,000 00	
Public Works, Maintenance.....	\$125,000 00	
Do Repairs.....	125,000 00	
Do Collection & Miscellaneous.....	40,000 00	290,000 00
Territorial Surveys, U. Canada, \$30,000 00		
Do do L. Canada. 30,000 00		
	\$60,000 00	
Do Miscellaneous Expenditure..	94,000 00	154,000 00
Hamilton and Port Dover Road.....	3,500 00	
Fines and Forfeitures, Stamps, &c. (exclusive of commissions).....	10,000 00	797,500 00
<i>Carried over</i>		3,109,442 12

SCHEDULE.—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>			3,109,442	12
<i>Hospitals and Charities.</i>				
Aid to Toronto Hospital.....	Toronto	6,400	00	
Do do for County Patients.....	do	4,800	00	
Do Toronto House of Industry.....	do	2,400	00	
Do Protestant Orphans' Home and Female Aid Society.....	do	640	00	
Do Magdalen Asylum.....	do	480	00	
Do Roman Catholic Orphan Asylum ..	do	640	00	
Do Lying-in Hospital.....	do	480	00	
Do Girls Home and Public Nursery.....	do	320	00	
Do House of Providence.....	do	320	00	
Do Deaf and Dumb Institution for U. C.....		3,000	00	
Do Indigent Sick.....	Quebec	3,200	00	
Do Hospice de la Maternité.....	do	480	00	
Do Charitable Ladies Association of the Roman Catholic Orphan Asylum.....	do	480	00	
Do Asylum of the Good Shepherd.....	do	640	00	
Do Managers of the Protestant Female Or- phan Asylum.....	do	320	00	
Do Finlay Asylum.....	do	320	00	
Do Male Orphan Asylum.....	do	320	00	
Do St. Bridget's Asylum.....	do	320	00	
Do Ladies' Protestant Home.....	do	320	00	
Do Canada Military Asylum for Widows and Orphans.....	do	160	00	
Do Indigent Sick.....	Montreal	3,200	00	
Do General Hospital des Sœurs de la Cha- rité.....	do	800	00	
Do Corporation of the General Hospital...	do	4,000	00	
Do St. Patrick's Hospital.....	do	1,600	00	
Do Sœurs de la Providence.....	do	1,120	00	
Do Bonaventure Street Asylum.....	do	430	00	
Do Nazareth Asylum for the Blind and for Destitute Children.....	do	430	00	
Do St. Patrick's Roman Catholic Orphan Asylum.....	do	640	00	
Do Protestant Orphan Asylum.....	do	640	00	
Do House of Refuge.....	do	480	00	
Do Ladies Benevolent Society for Widows and Orphans.....	do	320	00	
Do University Lying-in Hospital.....	do	480	00	
Do Lying-in Hospital under care of Sœurs de la Miséricorde.....	do	450	00	
Do Deaf and Dumb Institutions.....	do	3,000	00	
Do Roman Catholic Orphan Asylum.....	do	320	00	
Do Magdalen Asylum (Ladies of Bon Pas- teur).....	do	320	00	
Do Montreal Dispensary.....	do	320	00	
Do Montreal Home and School of Industry	do	320	00	
<i>Carried over</i>		44,910	00	3,109,442 12

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	44,940 00	3,109,442 12
<i>Hospitals and Charities.—Continued.</i>		
Aid to St. Vincent de Paul Asylum, Montreal.....	430 00	
Do Kingston General Hospital, Kingston.....	4,800 00	
Do House of Industry and Refuge for Indigent Sick, Kingston.....	2,400 00	
Do Hôtel-Dieu Hospital, Kingston.....	800 00	
Do Orphans' Home, Kingston.....	640 00	
Do Hamilton Hospital, Hamilton.....	4,800 00	
Do Orphan Asylum and Ladies' Benevolent Society, Hamilton.....	640 00	
Do Roman Catholic Asylum, Hamilton.....	640 00	
Do Indigent Sick, Three Rivers.....	2,240 00	
Do London Hospital, London.....	2,400 00	
Do Protestant Hospital, Ottawa.....	1,200 00	
Do Roman Catholic Hospital, Ottawa.....	1,200 00	
Do St. Hyacinth Hospital, St. Hyacinth.....	320 00	
Do General Hospital, District of Richelieu, Sorel.....	320 00	
		67,770 00
MILITIA.		
<i>Departmental Salaries.</i>		
Adjutant General.....	\$3,000 00	
Deputy do L. C.....	2,240 00	
Do do U. C.....	2,000 00	
Provincial Aide-de-Camp.....	1,840 00	
Chief Clerk and Accountant.....	2,000 00	
Senior Clerk.....	1,400 00	
Superintendent of Stores.....	1,300 00	
Clerks—1 at.....	1,200 00	
1 at.....	1,100 00	
3 at \$650 each.....	1,980 00	
2 at \$500 do.....	1,000 00	
1 at \$2.50 per diem.....	912 50	
2 at \$2.00 do each.....	1,460 00	
Messenger.....	400 00	
Asst. do and Laborer.....	365 00	
Arrears of Salaries.....	806 66	
	23,004 16	
<i>Contingencies.</i>		
Contingent Expenses for Stationery, Printing, Repairing Arms, &c., transport of all Government Stores, and all other incidental expenses of the Militia.....	40,000 00	
Compensation for accidents or injury.....	5,000 00	
Compensation to Pensioners in lieu of land.....	10,000 00	
Ball and Blank Ammunition.....	16,000 00	
Military Schools.....	100,000 00	
	194,004 16	3,177,212 12
<i>Carried over</i>		

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	\$ cts. 194,004 16	\$ cts. 3,177,212 12
<i>MILITIA—Continued.</i>		
<i>Public Armouries.</i>		
1 Storekeeper at \$600, and 7 Storekeepers at \$300 each.....	\$ 2,700 00	
Rent of Armouries, care of Arms, Pay of Serjeant Majors of Field Batteries, Caretakers and Storemen of Armouries, including Fuel and Light for Armouries	30,000 00	
	32,700 00	
<i>Volunteer Militia.</i>		
For an Allowance in lieu of Clothing, at the rate of \$3 per man, for, say 4,000 Volunteers who have supplied their own clothing	\$12,000 00	
For Cavalry, Artillery and Rifle Clothing ordered.....	50,000 00	
Cavalry Equipments.....	10,000 00	
	72,000 00	
<i>Drill Pay.</i>		
Pay for 16 days drill, for, say 14,000 Volunteers, at \$8 each.....	\$112,000 00	
Do for Horses of Mounted Corps.....	15,000 00	
	127,000 00	
<i>Brigade Majors.</i>		
Pay of Brigade Majors, including Horse allowance and travelling expenses	19,000 00	
<i>Drill Instructors.</i>		
Pay of Drill Instructors to Volunteer Corps, Drill Associations, &c	10,000 00	
<i>Military School Graduates.</i>		
Drill pay of 1,200 graduates at 75 cts. a day for 20 days' drill.....	\$18,000 00	
Travelling Expenses of do.....	3,000 00	
	21,000 00	
<i>Efficient Volunteer Corps.</i>		
Under Section 16 of the Volunteer Act.....	5,000 00	480,704 16
<i>Carried over</i> .....	.....	3,657,916 28

SCHEDULE—Continued.

S E R V I C E .	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>		3,657,916 28
PUBLIC WORKS AND BUILDINGS.		
<i>Canals.</i>		
For continuation of deepening and enlarging the summit level of the Welland Canal to introduce the water of Lake Erie	\$60,000 00	
For works on the Provincial Canals chargeable to construction	25,000 00	
For damages to land caused by the construction of the Beauharnois Canal, and repairs to St. Zotique Road destroyed by back waters from Beauharnois Canal.....	10,000 00	
	95,000 00	
<i>Light Houses.</i>		
For the construction of Light-Houses.....	12,000 00	
<i>Slides, Booms, &c.</i>		
For works connected with the descent of timber on rivers.....	16,500 00	
<i>Harbors, Piers & Rivers.</i>		
For repairs to Port Dover Harbor.....	\$5,000 00	
Do Piers below Quebec.....	5,000 00	
Harbours on Lake Huron.....	12,000 00	
	22,000 00	
<i>Public Buildings.</i>		
Towards the construction of the Parliament and Departmental Buildings at Ottawa	\$300,000 00	
For the fitting up of a residence at Ottawa for the use of His Excellency the Governor General.....	20,000 00	
Towards the construction of the Reformatory Prison at St. Vincent de Paul	30,000 00	
For the restoration of the Quebec Custom House destroyed by fire.....	10,000 00	
To obtain accommodation for Customs at Stanstead	2,000 00	
For works in connection with Public Buildings chargeable to construction.....	4,000 00	
For temporary accommodation of Governor General during the completion of permanent dwelling.....	5,000 00	
	371,000 00	
<i>Carried over</i>	516,500 00	3,657,916 28

SCHEDULE.—Continued.

SERVICE.	Amount.	Total.
	\$ stc.	\$ stc.
<i>Brought over</i>	516,500 00	3,657,916 28
PUBLIC WORKS AND BUILDINGS.—Continued.		
<i>Miscellaneous.</i>		
Arbitrations and awards	\$15,000 00	
Surveys and Inspections.....	6,000 00	
Miscellaneous charges in respect to Public Works, not otherwise provided for.....	10,000 00	
	31,000 00	
ROADS AND BRIDGES.		
For the completion of certain Bridges over the Gatineau and Nation rivers, commenced by the Colonisation Office, per O. C. 20th August, 1864	8,000 00	
For completion of Primeau Road, Caughnawaga.....	850 00	
For the completion of the Matapedia Road, viz :—		
For repairs of works destroyed by fire 1864, and by inundation in 1865	\$6,200 00	
For increased cost of works abandoned by Contractors	1,400 00	
Superintendence and Contingencies	2,400 00	
	10,000 00	
For the rebuilding of two bridges and repairing Road between Cross Point and Sillars.....	4,500 00	
Contingencies	650 00	
	24,000 00	
ADMINISTRATION OF JUSTICE.		
For Detective Force :		
East	5,000 00	
West	5,000 00	
	10,000 00	
MISCELLANEOUS.		
Seigniorial Indemnity to Townships		40,000 00
Frontier Service, East and West.....	10,000 00	
Lock up at Bruce Mines.....	400 00	
Printing Report of Intercolonial Railway Survey.....	1,000 00	
Extra Copies of Debate on Confederation.....	1,000 00	
Special aid to Agricultural Associations, U. C. & L. C., at \$5,000 each.....	10,000 00	
	22,400 00	
Post Office Ordinary expenditure for the year.....	340,000 00	
Do Grand Trunk, Great Western and Northern Railways for the year.....	198,000 00	
Do Arrears payable to Grand Trunk from June 9, 1862 to June 30, 1865.....	116,328 74	
	654,328 74	
Commissions on Excise.....		50,000 00
	5,006,145 02	
Total out of Consolidated Revenue Fund.....		5,006,145 02

SCHEDULE—Continued.

SERVICE.	Amount.		Total	
	\$	cts.	\$	cts.
OUT OF SPECIAL FUNDS.				
<i>To be taken out of Building and Jury Funds.</i>				
For the Court House and Gaol at Malbaie ..	\$1,200	00		
For the restoration of the Court House and Gaol at St. Scholastique	1,000	00		
For the completion and furnishing of the Kamouraska Court House and Gaol, including rent of temporary Court House and Gaol	3,000	00		
For the construction of St. Francis District Gaol	15,000	00		
			20,200	00
<i>Out of U. C. Building Fund.</i>				
Towards enlargement of Lunatic Asylum, Toronto	25,000	00	45,200	00
Total out of Special Funds			45,200	00

CAP. III.

An Act to amend the Act respecting Duties of Excise.

[Assented to 18th September, 1865.]

WHEREAS it is expedient to make better provision for the collection of duties of excise, and for that purpose to amend the Act passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, intituled: *An Act to amend and consolidate the Acts respecting Duties of Excise, and to impose certain new duties*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

27, 28 V. c. 3.

1. After the tenth section of the Act cited in the preamble to this Act, and hereinafter referred to as the Act hereby amended, the following section shall be held to be inserted and to make part of the said Act:

Section 10 amended.

"No building or place shall be licensed as a Tobacco Manufactory until after a survey thereof has been made by an Officer of Excise duly authorized for that purpose by regulation or otherwise, nor until such officer has reported the result.

As to buildings licensed as Tobacco Manufactories.

Regulations as to entrances, &c., must be complied with.

result of his survey; and no license shall issue in any case unless such conditions are complied with as may be established by regulation to be approved by the Governor in Council, for the purpose of determining the mode of arranging the entrances to such building or place and for providing that such building or place may not form part of nor be appurtenant to any shop or premises where tobacco or cigars are sold by retail, or in which there are kept any broken packages of tobacco or cigars, and that such building or place shall not communicate with such manufactory or shop ;”

Penalty for contravention.

“ And any wilful contravention of any such regulation shall subject the manufacturer to the general penalty imposed by the one hundred and fourteenth section of the Act hereby amended.”

Section 33 amended.

2. The following subsection shall be held to be inserted after subsection two, of the thirty-third section of the Act hereby amended and to make part of the said section :—

Certain books may be taken in case of seizure.

“ 3. And in case of the seizure of any article or thing in any Distillery, Brewery or Tobacco Manufactory, for contravention of this Act, the seizing officer or any Superior Officer of Excise, may take possession of and remove all or any books, papers or accounts kept under the requirements of this Act, and may retain the same until the seizure shall be declared valid by competent authority, or the article or thing seized or the proceeds thereof shall, by such authority, be directed to be restored.”

Section 35 amended.

3. The following provision shall be held to be inserted at the end of section thirty-five of the Act hereby amended, and to make part of the said section :—

Certain particulars to be entered in Stock Books.

“ In which Stock Books, there shall be clearly recorded day by day in the prescribed columns, a full and particular account of all Grain, Malt, Spirits, raw and manufactured Tobacco and other Stock, material or commodity brought into the Distillery, Brewery or Tobacco Manufactory to which such Stock Books relate, and also of all Grain, Malt, Spirits, raw or manufactured Tobacco, or other Stock, material or commodity, sold, removed or transferred from such Distillery, Brewery or Tobacco Manufactory; stating in every case the name of the person from whom the same was bought or obtained, or to whom it was sold or transferred as the case may be, and also the mode of conveyance by which it was brought to the Distillery, Brewery or Tobacco manufactory or by which it was carried therefrom :—and if any such Grain, Malt, Spirits, Beer, manufactured or raw Tobacco has been conveyed by any Vessel or Railway to or from any Port, Wharf or Station, situated within a distance of ten miles from the Distillery, Brewery or Tobacco manufactory, then such

If articles have been conveyed by Railway.

Vessel

Vessel or Railway shall be named as the conveyance by which such Grain, Malt, Spirits, Beer, Tobacco or Stock was conveyed as aforesaid."

4. The following subsections shall be held to be added to the thirty-sixth section of the Act hereby amended, and to make part thereof :—

Section 36 amended.

"3. All beams, scales, weights and measures used in or about any Distillery, Brewery or Tobacco manufactory, shall be inspected, tested and verified by an Officer of Excise or by any Inspector of weights and measures, as often as any Inspector of Excise may direct ;"

Weights, scales and measures to be inspected.

"4. Any person who shall use or cause or permit the using of any beams, scales, weights or measures in or about any Distillery, Brewery or Tobacco Manufactory, other then such as have been tested and inspected as above provided and approved by the proper Officer of Excise, shall forfeit and pay for every such offence a penalty of five hundred dollars, and a further penalty of fifty dollars for each and every day upon which such offence shall have been committed ; and such beams, scales, weights and measures, shall be seized by any Officer of Excise having a knowledge thereof, and shall be and remain forfeited to the Crown and be dealt with accordingly."

Penalty for using them without inspection.

Forfeiture.

5. The following sub-sections shall be held to be inserted at the end of the thirty-seventh section of the Act hereby amended, and to make part thereof :—

Section 37 amended.

"2. But whenever the Commissioner of Customs and Excise shall have cause to believe that the returns of spirits manufactured at any Distillery are incorrect, he may cause the quantity to be estimated and the returns to be amended by either of the following methods of computation :"

Power of Commissioner believing distillers' returns to be incorrect.

1st. He may cause an enquiry to be made by any inspecting officer of excise, who may swear and examine parties and witnesses under oath, as to the quantity of Grain taken to the Distillery to which such return relates, and as to the quantity of Grain removed therefrom, and who shall also enquire generally into the matters referred to him, and shall determine as nearly as may be the actual quantity of Grain consumed in the Distillery ; and the duty may be assessed and levied on the quantity of Grain so determined, in the proportion of one gallon of Proof Spirits to every seventeen pounds of Grain. Or—

Inquiry as to quantity of grain consumed.

Duty levied accordingly.

"2ndly. He may cause an enquiry to be made in the manner above provided as to the capacity of the Fermenting Tuns used in the Distillery, the frequency with which they have been used, and the quantity of Beer or Wash, from time to time fermented therein ; and the duty may be assessed and collected

Or as to capacity of fermenting tuns and frequency of use.

Duty levied accordingly.

in the proportion of one gallon of proof spirits for every fourteen gallons of Beer or Wash determined by such Inspecting Officer, after such enquiry, to have been fermented in the said Fermenting Tuns ;”

Period for such inquiry.

Collection of duties.

Penalties incurred before inquiry may be enforced.

“ 3rdly. Every such enquiry may be made for any period not exceeding one year previous to its commencement; and the duties may be assessed and any portion thereof remaining unpaid may be collected, in accordance with the determination of the Inspecting Officer, notwithstanding the collection of any part of such duty on returns previously made; and if any contravention of this Act or of the Act hereby amended be proved as to such duties, the penalties or forfeiture, or both, incurred by such contravention, may be enforced as if such returns had not been made or such duty in part paid; and this notwithstanding the payment of the theretofore unpaid portion of such duties;”

Oms of proof.

“ 4thly. Provided that if the determination of the Inspecting Officer under this section be disputed, the proof of the error or wrong shall rest with the party alleging it.”

New sub-section after 56.

6. At the end of the fifty-sixth section of the Act hereby amended, the following sub-section shall be held to be inserted, and to make part of the said section :

Empty packages with stamps not allowed in tobacco manufactories.

Penalty.

“ 2. No empty or partly filled package, box, jar, canister barrel or bag of a description such as is used for packing Tobacco, Cigars or Snuff, and having attached to it any stamp or part of a stamp, shall be brought into, or remain in any Tobacco Manufactory; and any contravention of this section shall subject the manufacturer to the penalties and forfeitures imposed in section one hundred and six of this Act for any of the offences mentioned in the said section.”

Section 62 amended.

7. The sixty-second section of the said Act shall be amended as follows :

After the first sub-section relating to Distilleries, the following sub-section shall be inserted and make part of the said section :

Sub-section to come after sub-section 1.

“ The quantity of grain, malt, spirits, beer or other commodity brought into the Distillery during the preceding half month.”

Sub-section 4 amended.

The sub-section four of the said section, (relating to Distilleries,) shall be so amended as to read as follows :

As to Distilleries:—quantity of grain removed, &c.

“ The quantity of grain, malt, or other commodity, removed from the Distillery, or disposed of otherwise than for Distillation, during the preceding half month.”

The sub-sections relating to Breweries, shall be amended by inserting the following sub-section after the words "Such account shall exhibit"

As to Breweries.

"The quantity of grain, malt, beer or other commodity brought into the Brewery during the preceeding half month."

Quantity of grain brought in.

Sub-section three, (relating to Breweries) shall be so amended as to read as follows :

Sub-section 3 amended.

"The quantity of malt, grain, or other commodity removed from the Brewery or disposed of otherwise than for Brewing, during the preceding half month."

Or removed.

8. Section seventy-eight of the said Act shall be so amended as to read as follows :

Sect. 78 amended.

"Goods warehoused under this Act may be transferred in bond from one party to another, and may be exported ex-warehouse, or removed from one warehouse, port, place or revenue division, to another, without payment of duty, under such restrictions and regulations as the Governor in Council may deem necessary."

Goods warehoused may be transferred, &c., in bond, under regulations.

9. After the ninety-first section of the Act hereby amended, the following section shall be held to be inserted and to make part of the said Act :—

New section after section 91.

"Whenever the Inspecting Officer of Excise shall deem it necessary to determine the strength or value of any Beer or Wash, he may take out of any Beer or Wash then in the Distillery, a quantity not exceeding twenty-eight gallons as a sample, which he may distil or cause to be distilled, for the purpose of any computation under this or the Act hereby amended, and he may calculate the value or strength of the Beer or wash used in that distillery according to the result ascertained from the sample so taken :—" or—

Power of inspecting officer to determine strength of Beer or Wash.

"2. He may at any time test the strength of any Beer or Wash then in the Distillery by running a portion thereof not exceeding the contents of any one fermenting tun, through the Stills, in the ordinary course of working such Distillery, and may require the ordinary operatives of such Distillery to do the work, or may introduce other operatives into the Distillery for that purpose : and for the purpose of any such computation as aforesaid he may calculate the value or strength of the Beer or Wash used in that Distillery according to the result ascertained from the portion of such Beer or Wash so distilled."

Further powers for the same purpose.

10. After the ninety-third section of the Act hereby amended, the following section shall be held to be inserted, and to make part of the said Act :—

New section after 93.

"Any

Writ of Assistance may be granted, and by whom.

“ Any Judge of the Court of Queen’s Bench or of the Common Pleas in Upper Canada, or of the Superior Court or of the Court of Vice Admiralty in Lower Canada, having jurisdiction in the place where the application is made, shall grant a Writ of Assistance upon application made to him for that purpose by the Collector of Inland Revenue or any Superior officer of the Excise or by Her Majesty’s Attorney General or Solicitor General,—and such Writ of Assistance, when issued, shall be in force during the whole of the Reign in which the same shall have been granted, and for twelve months from the conclusion of such Reign : ”

How long to remain in force.

Powers of officers of Excise under such writ.

“ 2. Under authority of a Writ of Assistance so granted any officer of the Excise, or any person employed for that purpose with the concurrence of the Governor in Council, expressed either by special order or appointment or by general regulation, taking with him a peace officer, may enter in the day time any building or other place within the jurisdiction of the Court granting such Writ, and may search for and seize and secure any goods or things liable to forfeiture under this Act, and, in case of necessity, may break open any doors and any chests or other packages for that purpose.”

Entry and search.

Section 109 amended.

§ 1. The one hundred and ninth section of the Act, hereby amended, shall be amended as hereinafter mentioned : that is to say :

Sub-sect. 2.

Sub-section two, of the said section shall be so amended as to read as follows :

How to be read hereafter.

“ To keep Stock, Books and all such other books as are required to be kept by this Act, or by any regulation made under the provisions of this Act, or by any regulation approved by the Governor in Council, or by the Minister of Finance.”—

Paragraph after sub-sect. 2 amended.

The last paragraph after Sub-section nine of the said Section shall be so amended as to read as follows :

Amount of penalty and forfeiture of apparatus.

“ Shall forfeit and pay for every such offence a penalty of two hundred dollars together with a further penalty equal to three times the amount of license fees, duty or other impost payable under this Act on any Spirits, Beer, manufactured Tobacco, Stock, fermenting tun, mash tub, machinery, utensil, tool, apparatus, article or commodity in respect of which any fraudulent, false, incorrect or imperfect information, entry, return, account or statement has been made or given, or in respect of which any entry, return, account, statement or information has been in whole or in part neglected or refused to be made or given :—and all Spirits, Beer, raw and manufactured Tobacco, Grain, Malt, Hops, Stock, utensils, tools, apparatus, article or commodity, in respect of which any such fraudulent false or imperfect entry, return, account or information has been made

And of stock, &c., in respect of which false return is made or information refused.

or

or given, or in respect of which any information, return, entry or account may have been in whole or in part neglected or omitted, or refused to be made or given, or which may be found in the Distillery, Brewery or Tobacco manufactory at the time when such false, fraudulent or imperfect information, entry, return, account or statement shall be discovered to have been made or given, or at the time when it shall be discovered that the giving of any information or the making of any return, entry, statement or account has been in whole or in part neglected, shall be seized by any officer of Excise having a knowledge thereof and shall be and remain forfeited to the Crown."

12. The one hundred and tenth section of the Act hereby amended, shall be amended by adding thereto the following words:—"and every article or thing subject to duty under this Act, and on which the duty hereby imposed shall not have been paid at the proper time for paying the same, shall be seized by any Officer of Excise knowing the fact, and shall be and remain forfeited to the Crown."

Sec. 110 amended.

Articles on which duty is not paid at the proper time, to be forfeited.

13. After the one hundred and thirteenth section of the Act hereby amended, the following section shall be held to be inserted and to make part of the said Act :

New section after sect. 113.

"If any person whatever, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away any goods, vessel, carriage or other thing which has been seized or detained on suspicion, as forfeited under this Act, before the same has been declared by competent authority to have been seized without due cause, and without the permission of the officer or person having seized the same, or of some competent authority,—such person shall be deemed to have stolen such goods, being the property of Her Majesty, and to be guilty of felony, and shall be liable to punishment accordingly."

Punishment for taking away goods seized or detained.

Felony.

14. After the one hundred and fifteenth section of the Act hereby amended the following sections shall be held to be inserted and to make part of the said Act :

New sections after sect. 115.

"All penalties and forfeitures, incurred under this Act, or any other law relating to Excise, may be prosecuted, sued for and recovered in the Superior Courts of Law, or Court of Vice Admiralty having jurisdiction in that section of this Province where the cause of prosecution arises, or wherein the Defendant is served with process:—And if the amount or value of any such penalty or forfeiture does not exceed five hundred dollars, the same may also be prosecuted, sued for and recovered in any County Court or Circuit Court having jurisdiction in the place where the cause of prosecution arises or where the defendant is served with process."

Recovery of penalties.

If not over \$500, in County or Circuit Court.

How perishable articles seized may be dealt with.

“ In case of the seizure of any perishable article, or of any grain or other commodity liable to damage from heating or otherwise, the Collector of Inland Revenue for the division in which such seizure has been made, or any Superior Officer of Excise may sell the same within such delay as to prevent its becoming deteriorated in value, or a part of the value consumed, by reason of the expense of keeping or the decay of the same, as if it had been condemned,—and may keep in his hands the proceeds of such sale until the same has been condemned, or deemed to be condemned, or ordered to be restored to any claimant, in which last mentioned case, the Court before which the claim is heard shall order the Collector to pay over to the claimant the proceeds of such sale, in lieu of awarding restitution ; ”

May be given up on security.

“ 2. Nevertheless the Collector of Inland Revenue or Superior Officer of Excise aforesaid, may deliver up to any claimant any such perishable article or grain liable to damage, so seized as aforesaid, upon such claimant depositing in the hands of the Collector or Superior Officer such sum of money as will represent the full value thereof, or giving security to the satisfaction of such Collector or Superior Officer that the value of such seizure and all costs shall be paid to the use of Her Majesty, if such article be condemned.”

Where articles seized may be kept.

“ Any article or commodity seized as forfeited under this Act or the Act hereby amended, may, at the option of the seizing Officer be kept or stored in the building or place where it was seized until it is condemned or ordered to be restored to any claimant ;—and so long as such article or commodity is under seizure the place or building in which it is so kept or stored shall be held to be in the custody of the Officer of Excise or other person appointed for that purpose by the seizing officer or by any Superior Officer of Excise, or such article or commodity may by direction of such seizing Officer or Superior Officer be removed to and kept in any other place.”

Place of storing to be deemed in custody of Officer.

Burden of proof that duties have been paid, &c.

“ The burden of proof that the duties of excise have been paid and all the other requirements of this Act complied with, as regards any article of any kind subject to duty under this Act, shall lie upon the parties whose duty it was to pay such duties and to comply with such requirements.”

New section after sect. 115.

115. After the one hundred and eighteenth section of the Act hereby amended the following section shall be held to be inserted and to make part of the said Act :

Notice of seizure to be posted up.

“ So soon as an information has been exhibited in any Court for the condemnation of any goods or thing so seized, notice thereof shall be put up in the office of the Clerk or Prothonotary of the Court, and also in the office of the Collector of Inland Revenue or Chief Officer of Excise, in the Inland Revenue Division

Division wherein the goods or thing has been secured as aforesaid ;

“ If the owner or person claiming the goods or thing exhibits a claim to the same and gives security and complies with all the requirements of this Act in that behalf, then the said Court at its sitting next after the said notice has been so posted during one month, may proceed to hear and determine any claim which has been validly made and filed in the meantime, and to the release or condemnation of such goods or thing as the case requires—otherwise the same shall, after the expiration of such month, be deemed to be condemned as aforesaid, and may be sold without any formal condemnation thereof; ”

How claims to the property seized shall be determined.

“ No claim on the behalf of any party who has given notice of his intention to claim before the posting of such notice as aforesaid, shall be admitted, unless validly made within one week after, the posting thereof :—nor shall any claim be admitted, unless notice thereof has been given to the Collector of Inland Revenue or Superior Officer of Excise within one month from the seizure as aforesaid ; ”

Claims to be posted up.

“ All vehicles, goods and other things seized as forfeited under this Act or any other Act relating to Excise, or to trade or navigation, shall be deemed and taken to be condemned, and may be dealt with accordingly, unless the person from whom they were seized, or the owner thereof, do, within one month from the day of seizure, give notice in writing to the Seizing Officer, the Collector of Inland Revenue in the Inland Revenue Division in which such goods were seized, or Superior Officer of Excise, that he claims or intends to claim the same ; ”

Condemnation if not claimed within a certain time.

“ But any Judge having competent jurisdiction to try and determine the seizure, may, with the consent of the Collector of Inland Revenue at the place where the seized articles are secured, or of any Superior Officer of Excise, order the delivery thereof to the owner, on receiving security by bond with two sufficient sureties, to be first approved by such Collector or Superior Officer of Excise, to pay double the value in case of condemnation,—which bond shall be taken to Her Majesty’s use in the name of the Collector or of the Superior Officer of Excise, and shall be delivered to and kept by such Collector or Superior Officer of Excise ;—And in case such seized articles are condemned, the value thereof shall be forthwith paid to the Collector and the bond cancelled, otherwise the penalty of such bond shall be enforced and recovered.”

Goods seized may be delivered up on security.

16. After the one hundred and twenty-first section of the Act hereby amended, the following section shall be held to be inserted and to make part of the said Act :—

New section after sect. 121.

“ All forfeitures and penalties under this Act, after deducting the expenses of prosecution shall, unless it be otherwise expressly provided, ”

Appropriation and division of

penalties and forfeitures.

provided, belong to Her Majesty for the public uses of the Province,—but the net proceeds of such penalty or forfeiture, or any portion thereof, may be divided between and paid to the Collector of Inland Revenue or Superior Officer of Excise by whom the seizure was made or the information given on which the prosecution was founded, and any person having given information or otherwise aiding in effecting the condemnation of the goods or thing seized, or the recovery of the penalty, in such proportions as the Governor in Council may in any case or class of cases direct and appoint; but nothing herein contained shall be construed to limit or affect any power vested in the Governor in Council with regard to the remission of penalties or forfeitures by this Act or any other law.”

Proviso.

Part of sects. 120 and 121 repealed.

17. So much of the one hundred and twentieth and one hundred and twenty-first sections of the Act hereby amended as makes provision for the application or distribution of penalties and forfeitures under the said Act is hereby repealed.

As to Goods voluntarily abandoned as forfeited or penalties voluntarily paid.

18. And for the removal of doubts, be it declared and enacted, that if any article or thing be voluntarily given up or abandoned by the owner to any Collector of Inland Revenue or Superior Officer of Excise, as forfeited under the Act hereby amended or this Act, or if any sum of money be voluntarily paid to any such Collector or Officer as the amount of a penalty incurred under either of the said Acts, such abandonment or payment shall be held lawful, and such article or thing may be dealt with as if legally condemned, and such sum of money as if legally recovered.

Interpretation clause.

19. This Act shall be construed as one Act with the Act hereby amended, and all words and expressions herein used shall have the same meaning as are assigned to them respectively in the said Act. The words “this Act” in either of them shall include both, and the words “Superior Officer of Excise” in either of them shall mean and include the Commissioner and Assistant Commissioner of Customs and Excise and any Inspecting Officer of Excise.

C A P . I V .

An Act to extend the Act to impose Duties on Promissory Notes and Bills of Exchange to all Notes and Bills of whatever amount, and otherwise to amend the said Act.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it is expedient to impose Duties on Promissory Notes and Bills of Exchange now excepted from the operation of the Act passed in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter

chapter four, and otherwise to amend the said Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Upon and in respect of every Promissory Note, Draft or Bill of Exchange, for an amount less than one hundred dollars, made, drawn or accepted in this Province upon or after the first day of January, in the year one thousand eight hundred and sixty-six, there shall be levied, collected and paid to Her Majesty, for the public uses of the Province, the Duties hereinafter mentioned, that is to say:—

Duty imposed on Notes, &c., under one hundred dollars.

On each such Promissory Note, and on each such Draft or Bill of Exchange, a duty of One Cent, if the amount of such Note, Bill or Draft, does not exceed twenty-five dollars;— a duty of Two Cents if the amount thereof exceeds twenty-five dollars but does not exceed fifty dollars,—and a duty of Three Cents if the amount thereof exceeds fifty dollars but is less than one hundred dollars.

The duty.

2. The Governor in Council may from time to time direct stamped paper to be prepared for the purposes of the Act cited in the Preamble and of this Act, of such kinds and bearing respectively such device as he thinks proper, and may defray the cost thereof out of any unappropriated monies forming part of the Consolidated Revenue Fund; but the device on each stamp shall express the value thereof, that is to say, the sum at which it shall be reckoned in payment of the duties imposed by the said Act, and by this Act; and any such stamp on the paper on which any Note, Bill or Draft is written shall have in all respects the same effect as an adhesive stamp of the same value; and all the provisions of the thirteenth section of the Act cited in the Preamble shall apply to the stamps on paper stamped under this section as fully as to the adhesive stamps mentioned in the said Act, as shall also all other provisions of the said Act which can be so applied, and are not inconsistent with this Act.

Governor in Council may cause Stamped Paper to be prepared.

Provisions of former Act to apply to such stamped paper.

3. Upon, from, and after the first day of October next after the passing of this Act, it shall not be necessary that the signature or part of the signature of the maker or drawer, or in the case of a draft or bill made or drawn out of this Province, of the acceptor or first endorser in this Province, or his initials, or some integral or material part of the instrument, be written on any adhesive stamp affixed to any Promissory Note, Draft, or Bill of Exchange, but the person affixing such adhesive stamp, shall, at the time of affixing the same, write or stamp thereon the date at which it is affixed, and such stamp shall be held *prima facie* to have been affixed at the date stamped or written thereon, and if no date be so stamped or written thereon such adhesive stamp shall be of no avail; any person wilfully writing or stamping a false date on any adhesive stamp

How Stamps shall be cancelled after 1st October 1865.

stamp shall incur a penalty of one hundred dollars for each such offence.

Innocent parties or holders saved from penalty on certain conditions.

4. No party to or holder of any Promissory Note, Draft, or Bill of Exchange, shall incur any penalty by reason of the duty thereon not having been paid at the proper time and by the proper party or parties, provided that at the time it came into his hands it had affixed to it stamps to the amount of the duty apparently payable upon it, that he had no knowledge that they were not affixed at the proper time and by the proper party or parties, and that he pays such duty as soon as he acquires such knowledge,—and any holder of such instrument may pay the duty thereon, and give it validity, under section nine of the Act cited in the preamble, without becoming a party thereto ;—In this section the word “duty” includes any double duty payable under the said section nine.

Interpretation clause.

5. This Act shall be construed as one Act with the Act cited in the preamble, and hereby amended, all the provisions whereof not inconsistent with this Act, shall apply to the duties and penalties hereby imposed as if such duties and penalties were imposed by the said Act.

C A P . V .

An Act respecting Railway Postal Subsidies.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Orders in Council regulating Postal payments, &c., to be laid before Parliament each Session.

1. All orders which may be made by the Governor in Council, whereby, under authority of the one hundred and ninth section of the Railway Act, or otherwise, any amount or rate of payment or compensation to railway companies generally, or to any railway companies or company in particular, for the carrying of Her Majesty's Mail, or for Postal Service of any kind, ordinary or extraordinary, may be authorized, settled, altered or at all affected,—and also, all Departmental Reports or Orders whereon any such Order in Council may be based,—shall be laid before both Houses of the Provincial Parliament, within ten days from the opening of the session next thereafter.

Period during which such Order in Council shall have effect, limited.

2. No Order in Council, or Departmental or other Order, or Contract (whether made under authority of the fifty-first section of the Post Office Act, or otherwise), unless sanctioned by Parliament, shall avail to authorize, settle, alter or at all affect any such amount or rate, for any period longer than one year after the date thereof, or for any period whatever before the date thereof.

2. But any such Order or Contract which shall have been so laid before Parliament, and against which no Address to the Governor shall have been voted by the Legislative Assembly during such session, shall be held to have been sanctioned by Parliament, in so far only as the same may relate to any period not longer than four years after the date of such Order or Contract.

Proviso if sanctioned by Parliament.

C A P . V I .

An Act further to amend the Act respecting the Militia.

[Assented to 18th September, 1865.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The following paragraph is hereby added to and shall form and be read as part of the fifth section of the Act passed in the twenty-seventh year of Her Majesty's Reign, intituled: *An Act respecting the Militia*, and next after the addition to that section made by the first section of an Act made and passed in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, intituled: *An Act to amend the Acts respecting the Militia and the Volunteer Militia Force*, that is to say—"and the Commander in Chief may, from time to time by any General Order, divide the Regimental Divisions respectively into Battalion Divisions, and the Battalion Divisions into Company Divisions, and may designate such Divisions by such names or numbers as he may see fit."

Paragraph added to sect. 5 of 27 V. c. 2.

Commander in Chief may subdivide Regimental and Battalion Divisions.

2. In any Regimental Division in which, by order of the Commander in Chief, one Battalion or more has been or may be organized by ballot under the first-mentioned Act, the service militiamen may, after being balloted, be dealt with as forming one body of organized service militiamen, and may be remodelled and re-divided, according to local boundaries, by the Commander in Chief, who may by any General Order divide such service militiamen into companies and prescribe the local boundaries of each company division, and may form or divide such companies into a battalion or battalions, and prescribe the local boundaries of each battalion, if there be more than one.

Commander in Chief may re-divide Service Militia into Companies and Battalions by local boundaries.

3. The Service Militiamen, when so remodelled as aforesaid, resident in each Company Division, shall form the Company thereof, and such Company shall be a Company of the Battalion of the Battalion Division in which it lies; and all the Companies in any Battalion Division shall form the Battalion thereof, and such Battalion shall be a Battalion of the Regiment of the

Companies, Battalions and Regiments, how formed.

the Regimental Division in which it lies ; and all the Battalions in any Regimental Division shall form the Regiment thereof.

Service Militia men to be enrolled from time to time.

How Roll shall be made and corrected.

4. The names of the Service Militiamen, when so remodelled as aforesaid, shall be enrolled from time to time in each Company Division by the Captain or other Officer commanding the Company thereof, with the assistance of the officers and non-commissioned officers of the Company ; and it shall be the duty of the Captain, and under his orders, of the other officers and of the non-commissioned officers of the Company, by actual enquiry at each house in the Company Division, and by every other means in their power, to make and keep at all times a correct Roll of the Company (hereinafter called "Company Roll,") in such form as may be directed by the Adjutant General.

Commanding officer to see that Rolls are properly made and correctly.

5. It shall be the duty of the Lieutenant Colonel or other officer commanding each organized Battalion of the Service Militia to see that Company Rolls are duly and properly made out and corrected from time to time by the Captains or other officers commanding Companies in such Battalion, in accordance with this Act and with the directions given by the Adjutant General, and to report such officers as fail or neglect to perform their duty in this respect.

Men liable to be enrolled to furnish information within a certain time.

6. Each man liable under this Act to be enrolled, but not enrolled on such Company Roll by the Captain or officer commanding any Company of such organized Service Militia, so remodelled, shall, within twenty days after he has become so liable, whether by the alteration of any Division, by change of residence or otherwise howsoever, furnish such Captain or officer with a statement in writing, shewing his name, his age, his place of residence, and whether he is single, married or a widower, and if a widower, whether or not he has a child or children.

Annual muster of each Company.

Muster day.

Proviso.

7. Each Company of an organized Service Battalion so remodelled, shall assemble for muster annually, at such place and hour, in such manner and for such purposes as the Commanding Officer of each Battalion may direct with respect to each Company therein ; the muster day being, in Lower Canada, the twenty-ninth day of June, or, if that day fall on a Sunday, then the next day thereafter,—and in Upper Canada, the Queen's Birthday, or, if that day fall on a Sunday, then the next day thereafter ; except that the Commander in Chief may, in his discretion, but on the application of the Lieutenant Colonel commanding any Service Battalion in Upper Canada, direct that the annual muster day in such Division be the twenty-ninth day of June.

Returns of those present

8. The officer commanding each Company of an organized Service Battalion so remodelled shall, within twenty days after the

the annual muster day for such Company, transmit a certified copy of such Company Roll, to the officer commanding the Battalion of which such Company forms a part, shewing in such form as may be prescribed by the Adjutant General, the names and ages of those who attended such muster, and the names of those absent from such muster, and the causes of such absence; and if exemption be claimed, the ground of such exemption, and what (if any) proof of the same; and the officer commanding such Battalion shall, within forty days after such muster, prepare from such Company Rolls a correct Return of the Battalion under his command and forward it to the Adjutant General at Head Quarters.

at such musters.

Return for the Battalion.

9. The Company Rolls kept by the Captains of Companies or Officers commanding Companies of the organized Service Militia so remodelled as aforesaid, shall be corrected from time to time, as changes occur which affect them respectively;—and every householder and resident in each Company Division, and every Assessor, Town Clerk or other Municipal officer, shall be at all times bound to give to the commanding officer, or any officer or non-commissioned officer of the Company of such division such information as may be required for the making of corrections in the Rolls of such Divisions, and to answer all such questions as any of them may pertinently put to him for the purpose of obtaining such information; and every organized Service militiaman shall be bound to give notice in writing to the Captain or other officer commanding the Company of the division in which he was last enrolled, of any change of residence or other circumstance affecting such militiaman, by which the Roll in which his name appears is affected; and in case of change of residence, such organized Service militiaman shall also, within twenty days after such change, give such notice, together with the statement in writing required by this Act, to the Captain or other officer commanding the Company of the division into which he removes.

Company Rolls to be corrected from time to time.

Parties required to give information: and answer questions.

Changes of residence, &c., to be notified.

10. Whenever any man of the organized Service Militia so remodelled changes his residence from one Company Division to another within the same Battalion Division he shall thenceforward cease to be counted as one of the quota of the Division from which he has removed and shall be counted, for the remainder of his term of enrollment, as one of the quota of the Division to which he has removed; and any such man so removing who fails to give to the Officer commanding the Company of the Division into which he removes the notice and statement in writing required by this Act, shall be liable to be taken for enrollment for a full period of three years without reference to his former enrollment.

Militiaman to be counted as one of the quota of the division into which he removes.

Penalty for not notifying removal.

11. If any man of the organized Service Militia so remodelled about to change his residence to another Battalion Division communicates such his intention to the commanding Officer of his Service.

Right and duty of Militiaman obtaining certificate of service.

vice enrollment
before removing.

Penalty for
failure or not
giving notice,
&c.

Service Battalion and obtains from him a certificate of Service enrollment, a duplicate of such certificate shall be forthwith sent by such Commanding Officer to the Commanding Officer of the Service Battalion of the Division to which the man is about to remove, and thereupon such man will be called upon to complete his term of enrollment in that Division; but any man so removing without having procured such certificate, as well as any man so removing and having procured such certificate, but thereafter failing to present himself at the first muster of the Service Battalion of the Division into which he has removed, and not satisfactorily accounting for his absence therefrom, or failing to give the notice and statement in writing required by this Act in case of change of residence, shall be liable to be taken for enrollment for a full period of three years, without reference to his former enrollment.

Militiaman
leaving the
Province, his
duty.

Penalty for
non-compl-
ance.

12. If any man of the organized Service Militia so remodelled about to absent himself from the Province for a time, communicates such his intention to the Commanding Officer of his Service Battalion and obtains from him a certificate of Service enrollment, on the return of such man to the Province, at any time within a period of ten years, he shall, on production of such certificate, be allowed to complete his period of enrollment; otherwise he shall be liable to be taken for enrollment for a full period of three years, without reference to his former enrollment.

Sect. 31 re-
pealed and new
section substi-
tuted.

13. The thirty-first section of the said Act is hereby repealed and the following section shall in lieu thereof be taken and read as the thirty-first section of the said Act, that is to say :

Calling out
Service Militia,
or any part
thereof, for six
days drill : pay.

To be subject
to articles of
war, &c.

“ The Service Militia or any Company or Battalion thereof, or any part of any Company or Battalion, or any of the Officers of the Service Militia may, at any time in each year, be called out by General Order of the Commander in Chief for drill or instruction within each Regimental Division for a period not exceeding six days, under and pursuant to such rules and regulations in that behalf as may be prescribed in such General Order, and each non-commissioned officer and man shall be paid for each day's actual and *bona fide* drill as aforesaid the sum of fifty cents, and every Officer and Service Militiaman whilst so called out shall be subject to the Queen's Rules and Regulations, the Mutiny Act and the Rules and Articles of War, and to such other Orders, Rules and Regulations, of whatever nature or kind to which Her Majesty's Troops are subject.”

Persons having
obtained final
certificates of
Military In-
struction may
be called on to

14. The Commander in Chief may, from time to time, order any persons who have obtained final certificates in any School of Military Instruction and whether the same be Commissioned Officers or not, to attend a Camp or Camps of Instruction at such time and place in this Province and for such period as he

he may for such purpose prescribe, and he may make all necessary rules and regulations for the command, and discipline and good management of such Camp or Camps and for the mode of instruction thereat and shall prescribe the allowances to be paid to such persons during their stay at the same; and every person who shall report himself at such Camp or Camps and shall sign a Roll of entry thereat shall thereupon and thenceforth and for the period prescribed by the Commander in Chief for the duration of such Camp or Camps, be subject to the Queen's Rules and Regulations, the Mutiny Act and the Rules and articles of war, and to such other Orders, Rules and Regulations, of whatever nature or kind to which Her Majesty's troops are subject.

attend camps
of instruction.

Persons attend-
ing subject to
articles of war,
&c.

C A P . V I I .

An Act to extend and amend the Acts respecting Public Works, to and with respect to Works connected with the defence of the Province.

[Assented to 18th September, 1865.]

WHEREAS it is necessary to amend the chapter twenty-eight of the Consolidated Statutes of Canada, respecting the Public Works, and the Act twenty-fourth Victoria, chapter four, amending the same, so as to extend the same to works required for the defence of the Province, and also to amend the Act chapter thirty-six of the said Consolidated Statutes, respecting lands and real property held or required by the Imperial Government for the Military defence of this Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

Con. Stat. Can.
C. 23, 24 V. c. 4.

1. All works connected with the defence of this Province, shall be Public Works within the meaning of the tenth section of the Act first cited in the Preamble of this Act, and the said Act and the Act secondly cited in the Preamble, shall apply to such works as if they had been mentioned in the said section, subject to the provisions of this Act.

Works for defence to be
Public Works
within the said
Acts.

2. The powers of the Commissioner of Public Works, and all the provisions of the Acts firstly and secondly cited in the preamble to this Act, not inconsistent with this Act, shall extend to the demolition or removal of all such buildings, walls, woods, trees, fences or other obstructions, natural or artificial, and to the filling up of such hollows, natural or artificial, as would, in the opinion of the engineers, civil or military, employed on any such work as is mentioned in the next preceding section, impair the effect of such work, and being on any lands within a distance not exceeding two miles from such work,

Clearance
rights.

Powers of
Commissioner
extended to in
respect of lands
required for
defensive pur-
poses.

How amount of compensation for lands subjected to clearance rights shall be ascertained.

Power to re-enter to remove obstructions.

Costs if renewal of obstruction be owner's fault.

Limitation of right of entry.

Same powers conferred on the War Department, as vested in Commissioner of Public Works.

Compensation how determined.

Powers only to be exercised only with respect to lands duly certified to be required for defence.

without acquiring the land itself, and to the preventing the construction or existence of any such obstruction thereafter; and if the owner or occupier of any such land refuses or fails to agree with the Commissioner as to the compensation to be paid for the exercise of any powers hereby given, the Commissioner may tender a reasonable compensation in his estimation for the same, with notice that the question will be submitted to the Official Arbitrators mentioned in the Acts firstly and secondly cited in the preamble to this Act; and in such case, at any time within three days after such tender and notice, the Commissioner may enter upon such land and cause the work mentioned in such notice to be performed, and may, at any time or times thereafter, again enter upon such land after like notice, and remove any such obstruction as aforesaid, so as to restore such land to the state in which it was after the performance of the work mentioned in the first notice; and the compensation agreed upon, or awarded by the said Arbitrators, shall include the exercise of the power last mentioned, and if the renewal of any such obstruction has been caused by the fault of the owner of the lands, or of those through whom he claims, the cost of removing it may be recovered from him by the said Commissioner.

3. The right of entry given by the next preceding section shall be so exercised that the work may be completed within six months from the giving of the notice thereof, and not afterwards, except after new notice.

4. Her Majesty's Principal Secretary of State for the War Department shall have the same powers and rights with regard to the taking or taking possession of lands or materials required for any work connected with the military defence of the Province, and with regard to lands required to be cleared and kept clear of obstructions as aforesaid, as are vested by the preceding sections of this Act and the Acts therein cited, in the Commissioner of Public Works; and the price to be paid for such lands or the compensation to be paid for the exercise of such powers and rights, if not agreed upon by the parties, shall be determined by the said Official Arbitrators in the manner provided by the Acts firstly and secondly cited in the Preamble to this Act, and subject to the provisions thereof, except that the testimony of witnesses shall not be taken down in writing.

5. The powers vested by this Act in the Commissioner of Public Works and in the said Principal Secretary of State, respectively, shall be exercised only in respect of lands, the necessity of acquiring or taking which for the defence of the Province has been or shall be certified by the Commander of Her Majesty's Forces in this Province, under his hand and seal, or with respect to which he shall have certified in like manner that the exercise of any other of such powers is necessary for such defence, unless the consent of the owner of the lands has

has been obtained or an enemy has actually invaded this Province ; nor shall any such power be exercised by the Commissioner of Public Works, except with respect to such works as shall be designated for the purpose, by the Governor in Council.

And if by Commissioner of Public Works.

6. If, in any case where the said Principal Secretary of State has given the requisite notice, any resistance be offered or feared to his taking possession of the lands mentioned in such notice, or to his entering thereon and performing the work mentioned in such notice, then on application on behalf of the said Principal Secretary of State, any Judge of the Superior Court in Lower Canada, or any Judge of the County Court in Upper Canada, may command the Sheriff of the district, county, or place, where the lands lie, to put the said Secretary of State in possession thereof, or to enforce such right of entry, which such Sheriff, taking with him sufficient assistance, shall accordingly do.

Proceedings in case of resistance to the taking possession.

7. So much of the Act thirdly cited in the preamble to this Act, as requires any Sheriff to summon a Jury to enquire of and determine, or as authorizes any jury to enquire of and determine the price or compensation to be paid by the said Principal Secretary of State, for the absolute purchase or for the possession or use of any lands or real estate, of which such Sheriff has put or shall put the said Principal Secretary of State into possession, is hereby repealed as to any case in which the Jury has not been summoned at the time of the passing of this Act, but not as to any case in which a jury has been summoned and has sat but has been discharged without rendering a verdict;—and such price or compensation shall be enquired of and determined by the Official Arbitrators aforesaid, (whose award shall stand in the place of the verdict of a Jury for all the purposes of the said Act,) in the manner prescribed by and subject to the provisions of the Acts firstly and secondly cited in the preamble to this Act, except that the testimony of witnesses shall not be taken down in writing; and the Sheriff who has given or shall give possession of any lands or real property to the said Principal Secretary of State shall certify to the Official Arbitrators his doings in that behalf when by them required so to do.

Compensation for lands taken under Con. Stat. Can. cap. 36, to be determined by Official Arbitrators, except in certain cases.

Sheriff to return his doings to arbitrators.

8. And inasmuch as the twenty-first section of the Act thirdly cited in the Preamble to this Act applies only to the case where the party conveying any property to the said Principal Secretary of State could not have legally conveyed the same without the said Act, or has not the absolute interest therein, and not to the case where there are merely hypothecs or incumbrances on such property, and the ordinary proceedings for confirmation of title cannot be applied in such case: therefore the said section is hereby repealed, and the following section shall be substituted therefor and shall be read as part of the said Act as hereby amended :

Recital.

Con. Stat. Can. cap. 36, sec. 21, repealed, and new provision substituted.

Price of land taken to stand instead of the land; in respect of incumbrances, or claims to or upon the land.

“21. In Lower Canada the sum of money determined by the verdict of a Jury or by the award of the Official Arbitrators, or agreed upon by the said Principal Secretary of State and any party who could under this Act validly convey any real estate, or lawfully in possession as owner, of any real estate which could be lawfully taken under this Act without the consent of the owner thereof, as the price or compensation to be paid for such real estate, shall stand in the stead of such real estate, and any claim to, or hypothec or incumbrance upon such real estate shall be converted into a claim to or upon the said price or compensation :”

Proceedings when there are claims to or incumbrances on the land, or the party refuses to execute conveyance, &c.

“2. If the said Principal Secretary of State believes that any such claim to, or hypothec or incumbrance upon such real estate exists, or if any party to whom such price or compensation or any part thereof is payable refuses to execute the proper conveyance and warranty, or is unknown to the said Principal Secretary of State, or cannot be found, or if for any other reason the said Principal Secretary of State deems it advisable,—he may deposit with the Prothonotary of the Superior Court in the district in which such real estate lies, an authentic copy of the deed of conveyance of such real estate to the said Principal Secretary of State, or of the verdict or award fixing such price or compensation if there be no such conveyance, (and such verdict or award shall then be the title of the said Principal Secretary of State to the real estate therein mentioned,) and proceedings shall be thereupon had upon application on behalf of such Principal Secretary of State, for confirmation of such title, in like manner as in other cases of confirmation of title,—

Proceedings for confirmation of title in such cases, and effect of such confirmation.

except that no biddings shall be allowed on such real estate, and except also that in addition to the usual contents of the notice in the Official Gazette, the Prothonotary shall state that such title, (that is, the conveyance, verdict or award) is under this Act, and shall call upon all persons or parties entitled to or to any part of such real estate, or representing or being the husband, tutor or curator of any such person or party so entitled, to file their oppositions for their claims to such price or compensation or any part thereof, if not secured by the Registrar's certificate: and all such oppositions shall be received and adjudged upon by the Court; and the judgment of confirmation shall be granted as of course if the requirements of this section have been complied with, and shall for ever bar all claims to or upon the said real estate or any part thereof (including dower not yet open) as well as all hypothecs or incumbrances upon the same, and shall have the effect of a Sheriff's title on a sale under execution ;”

Payment of price if there be no opposition.

“3. If there be no opposition, or if every opposition be withdrawn before the judgment of confirmation, the price or compensation shall be paid to the party who executed the conveyance, but if there remains any opposition not withdrawn, then, before the judgment of confirmation shall be rendered, the

the price or compensation shall be paid into Court, with interest until the day of such payment, and the Court shall make such order for the distribution, payment or investment of such price or compensation, and for securing the rights of all parties interested, as to right and justice may appertain, according to this Act, and to law; and the costs of the said proceedings shall be borne by the said Principal Secretary of State, if there be no opposition; but if there be any opposition, then only such part of the costs as would be incurred if there were no opposition shall be payable by him.”

Proceedings if there is opposition.

Costs.

9. The said Principal Secretary of State may desist from any notice given under this Act or the fifteenth section of the Act thirdly cited in the Preamble to this Act, and may give new notice either for the same or any greater or less extent of lands; any notice given under the said section before the passing of this Act, shall be held to be a sufficient notice to enable the said Principal Secretary of State to take or to be put into possession of the lands therein mentioned, either under this Act or under the said section, and to refer the question of price to the said Official Arbitrators; no notice of entry to survey shall hereafter be requisite under the said Act, but the said Principal Secretary shall have same powers as the Commissioner of Public Works to make surveys; any written offer made by the said Principal Secretary of State to pay any sum of money, shall be held to be a legal tender thereof: and the said Principal Secretary of State shall not be bound to give security in any case of appeal or other proceeding.

Notice of entry upon lands may be desisted from.

Notice under Con. Stat. Can. C. 36. good under this Act.

No notice for survey required: offer by Secretary of State, &c.

10. No change in the ownership of any real estate after notice under this Act or the Act thirdly cited in the Preamble to this Act, that such real estate is required for the defence of the Province, shall affect the said notice or the proceedings consequent upon it, or the verdict or award in the case, or the possession or title of the said Principal Secretary of State; nor shall any improvement made on any real estate after such notice, be taken into consideration in determining the price or compensation to be awarded.

Change in ownership of land after notice given, not to affect proceedings.

No improvement made after the same.

11. Nothing in this Act shall impair or affect any right or power given to the said Principal Secretary of State by the Act thirdly cited in the preamble to this Act or any provision of the said Act not expressly repealed by or inconsistent with this Act which shall be construed as forming part of the said Act, the provisions whereof as hereby amended shall apply to lands taken under this Act; and the compensation to be paid for the exercise of the powers mentioned in the second section of this Act may be agreed upon, and the requisite covenants to keep the land for ever clear of the obstructions mentioned in the notice in that behalf may be entered into, so as to bind all future owners and possessors of the land, by any party who could, under the said Act, convey such lands to the said Principal Secretary

Rights of the War Department under Con. Stat. Can. c. 36, not affected by this Act except where expressly provided.

Compensation for clearance rights to whom payable.

Secretary of State,—and such compensation shall be paid to such party on his entering into such covenant, saving any just claim of any other party against him for such compensation or any part thereof.

Delegation of authority to exercise powers under c. 36, to include those given under this Act.

12. Any authority given by the said Principal Secretary of State to any person to exercise any of the powers given by the Act thirdly cited in the preamble to this Act, shall extend to the exercise of the powers given for like purposes by this Act; and the authority of any officer in Her Majesty's army to exercise any power given to the said Principal Secretary of State by the said Act or by this Act, shall not be called in question, except by some superior officer in Her Majesty's army or by the said Principal Secretary of State.

Certain Acts to apply to works for defence.

13. All works connected with the defence of the Province shall be Public Works within the meaning and scope of chapter twenty-nine of the Consolidated Statutes of Canada respecting riots near Public Works,—and of chapter thirty of the said Consolidated Statutes respecting the sale of Intoxicating Liquors near Public Works; the word "lands" or "real estate" in this Act includes all houses, buildings, or real property of any kind; the citation of the Act first cited, or of the Act thirdly cited in the preamble to this Act, shall be a sufficient citation of the Act so cited as amended by this Act; and the expression "this Act" in either of the said Acts, shall mean the Act wherein it occurs as amended by this Act.

Interpretation.

C A P. V I I I .

An Act for the prevention of contagious diseases, at certain Military and Naval Stations in this Province.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it is expedient to make provisions calculated to prevent the spreading of certain contagious diseases in the places to which this Act applies: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Short title.

1. This Act may be cited as *The Contagious Diseases Prevention Act, 1865.*

Interpretation.

2. In this Act—

The Term "Contagious Disease" means Venereal Disease, including Gonorrhœa;

The Term "Hospital" includes ward of a Hospital;

The

The term "public place" means a thoroughfare or other public street or place, or a house or room which is open to the inspection of the police or peace officers.

3. The places to which this Act applies shall be the places mentioned in the first schedule hereto, the limits of which places shall, for the purposes of this Act, be such as are defined in that schedule; and any person authorized to act as a Justice of the Peace, Police Officer, or Peace Officer, within the City, Town or Place named in the first column of the said schedule, shall, for all the purposes of this Act, have authority to act as such Justice or Officer for such City, Town or Place with the limits assigned to it in the second column of the said schedule.

Act to extend only to places in Schedule.

4. Expenses incurred in the execution of this Act shall be paid under the direction of the Lord High Admiral of the United Kingdom or the Commissioners for executing his office, (hereafter in this Act styled the Admiralty) and of such one of Her Majesty's Principal Secretaries of State as Her Majesty thinks fit for the time being to intrust with the seals of the War Department (hereafter in this Act styled the Secretary of State for War), out of money to be provided by the Parliament of the United Kingdom for the purpose.

How expenses shall be defrayed.

5. The Admiralty and the Secretary of State for War may, on the passing of this Act, appoint a Superior Medical Officer of Her Majesty's Navy or Army to be, during pleasure, Inspector of Hospitals certified under this Act, and may from time to time, on the death, resignation or removal from office of any such Inspector, appoint another such officer in his stead.

Inspectors of Hospitals to be appointed.

6. On the application of the authorities having the direction or management of any Hospital desiring that such Hospital should be certified under this Act, the Admiralty and the Secretary of State for War may direct the Inspector of Hospitals to examine and report to them on the condition of that hospital, and on the regulations established for its direction and management.

Hospitals to be examined and reported on.

7. If on such examination and report the Hospital appears to the Admiralty and the Secretary of State for War to be useful and efficient for the purposes of this Act, and is certified in writing to be so by the Admiralty and the Secretary of State for War, the same shall be deemed a Certified Hospital for the purposes of this Act; and every such Hospital is in this Act referred to as a Certified Hospital;—and the Admiralty and the Secretary of State for War shall state in their certificate what persons or officers for the time being are to be deemed the authorities of the Hospital for the purpose of exercising the powers hereinafter given; and the persons or officers so stated shall be such authorities accordingly;—Any person authorized to that effect by the Admiralty and Secretary

Power to certify Hospitals on such examination and report.

Power may be delegated.
of

of State for War, may grant or withdraw the certificate required by this section, and the authority of such person to grant or withdraw the same shall not be called in question except by the Admiralty and the said Secretary of State for War.

Inspection from time to time.

8. The Inspector shall, from time to time, visit and inspect every Certified Hospital.

Certificate may be withdrawn.

9. If on the Report of the Inspector respecting any Certified Hospital, the Admiralty and the Secretary of State for War think proper to withdraw their Certificate, that Hospital shall thereupon cease to be a Certified Hospital for the purposes of this Act.

Certificate or withdrawal to be notified in Canada Gazette.

10. A notice shall be published in the *Canada Gazette* of the granting or withdrawal of any Certificate relative to any Hospital under this Act; and a copy of the Gazette containing any such Notice shall be sufficient evidence of such granting or withdrawal; and any such Certificate shall be presumed to be in force until the withdrawal thereof is proved.

On what information a Justice may issue a notice to a woman under this Act.

11. Where an Information, in the form given in the second Schedule to this Act, or to the like effect, is laid before a Justice of the Peace, by any Chief of Police, High Constable, Chief Constable, High Bailiff, or other chief officer or Head of the Police or Constabulary, authorized to act in any place to which this Act applies, or by any Medical Practitioner duly licensed to practise Physic or Surgery, the Justice may, if he thinks fit, issue to the Woman named in the information, a notice in the form given in the same Schedule, or to the like effect.

Service of notice on the woman.

12. A constable or other peace officer shall serve such notice on the Woman to whom it is directed, by delivering the same to her personally, or by leaving the same with some person for her at her last or usual place of abode.

Justice may in certain cases order medical examination at a certified Hospital.

13. In either of the following cases, namely:

- (1.) If the woman on whom such notice is served appears herself, or by some person on her behalf, at the time and place appointed in the notice, or at some time and place appointed by adjournment:—
- (2.) If she does not so appear, and it is shewn (on oath) to the Justice present, that the notice was served on her a reasonable time before the time appointed for her appearance, or that reasonable notice of such adjournment was given to her (as the case may be) the Justice present, on oath being made before him, substantiating the matter of the information to his satisfaction, may, if he thinks fit, order such woman to be taken to a Certified Hospital for medical examination.

14. Such Order shall be sufficient warrant for any Constable or Peace Officer to whom the Order is delivered, to apprehend such woman, and to convey her with all practicable speed to the hospital therein named, whether within or without the ordinary local limits of his authority, or of that of the Justice making the order, and for the authorities of the hospital to cause her to be examined by some medical officer of such hospital, for the purpose of ascertaining whether or not she has a contagious disease, and in case, on such examination, it is ascertained that she has a contagious disease, then to detain her in the hospital for twenty-four hours from the time of her being brought there.

Order to be warrant for conveying the woman to the Hospital for examination.

15. Any woman on whom notice is served by any constable or Peace Officer, in pursuance of this Act, may signify to him her willingness to submit herself voluntarily for examination to the medical officers of the nearest Certified Hospital, and in that case it shall be the duty of such constable or peace officer to accompany her to such hospital, and her examination shall then be made in the same manner and with the same consequences as if she had been brought to that hospital to be examined in pursuance of the Order of a Justice.

Woman may be examined voluntarily.

16. Within the said period of twenty-four hours the authorities of such hospital shall cause a certificate, signed by the medical officer who has made such examination, stating (if the fact be so) that on such examination it has been ascertained that such woman has a contagious disease, to be made out and laid before the Justice by whom the Order was made, or some other Justice having the like jurisdiction, and thereupon such Justice may, if he thinks fit, order the authorities of such hospital to detain such woman in the hospital for medical treatment until discharged by such authorities, and such Order shall be a sufficient warrant to such authorities to detain such woman, and such authorities shall detain her accordingly;— Provided that no woman shall be detained under any such Order for a longer period than Three Months.

On certificate of disease woman may be detained (on order of Justice) for medical treatment.

But not longer than three months.

17. If any woman ordered as aforesaid to be taken to a Certified Hospital for medical examination refuses to submit to such examination, or if any woman ordered to be detained in a Certified Hospital for medical treatment, refuses or wilfully neglects while in the Hospital to conform to the Regulations thereof, or quits the Hospital without being discharged from the same as aforesaid, every such woman shall be guilty of an offence against this Act, and on summary conviction thereof, before two or more Justices of the Peace, shall be liable to imprisonment in the case of a first offence, for any term not exceeding one month, and in the case of a second or any subsequent offence for any term not exceeding two months.

Penalty for refusing to be examined or to conform to rules of Hospital, or quitting it before being discharged.

18. If any person being the owner or occupier of any house, room, or places within the limits of any place to which this Act applies,

Penalty for permitting any

prostitute having contagious disease to resort to any house, &c., for prostitution.

applies, or being a manager or assistant in the management thereof, knowing or having reasonable cause to believe any common prostitute to have a contagious disease, induces or suffers such common prostitute to resort to or be in such house, room or place for the purpose of prostitution, every such person shall be guilty of an offence against this Act, and on summary conviction thereof before two or more Justices of the Peace shall be liable to a penalty not exceeding ten pounds, or at the discretion of the Justices, to be imprisoned for any term not exceeding three months in any common gaol, house of correction or other lawful place of confinement, with or without Hard Labor; Provided that a conviction under this enactment shall not exempt the offender from any penal or other consequences to which he or she may be liable for keeping or being concerned in keeping a Bawdy House or Disorderly House, or for the nuisance thereby occasioned.

Proviso: not to exempt from other penalties.

Proceedings to be under Chap. 103 of Con. Stat. of Can.

19. All proceedings under this Act before and by Justices of the Peace, shall be had under the provisions of chapter one hundred and three of the Consolidated Statutes of Canada, intituled: *An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders*, save as those provisions respectively are inconsistent with any provision of this Act, and save also that, except where the woman concerning whom an Information is laid under this Act, in the form given in the second schedule, desires the contrary,—the room or place in which a Justice sits to enquire into the truth of the statements contained in any such information, shall not be deemed an open court for that purpose; and, except in the case aforesaid, such Justice may, in his discretion, order that no person have access to or be or remain in that room without his consent or permission.

Except that place of examination shall not be an open Court unless by consent of the woman.

Forms in Schedule 2 to be used.

20. The forms of Orders and Certificates given in the second Schedule of this Act shall be used for the purposes of this Act, with such variations as circumstances may require.

Provision for Protection of persons acting under this Act.

Venue.

Notice.

Defendant may plead this Act.

May tender amends or pay money into Court.

21. For the protection of persons acting in the execution of this Act, all actions and prosecutions against any person for anything done in pursuance or execution or intended execution of this Act, shall be laid and tried in the County in Upper Canada, or the Judicial District in Lower Canada, where the fact was committed, and shall be commenced within three months after the fact committed, and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the Defendant, one month at least before the commencement of the action; and in any such Action the Defendant may plead generally that the act complained of was done in pursuance or execution or intended execution of this Act, and give this Act and the special matter in evidence at any trial to be had thereupon; and the Plaintiff shall not recover in any such action if tender of sufficient amends is made before such action brought,

or

or if a sufficient sum of money is paid into Court after such action brought, by or on behalf of the Defendant; and if a verdict passes or judgment is given for the Defendant, or the Plaintiff becomes non-suited, or discontinues any such action after issue joined, or if, upon demurrer or otherwise, judgment is given against the Plaintiff, the Defendant shall recover his full costs, as between attorney and client, and have the like remedy for the same as any defendant has by Law in other cases; and though a verdict is given for the Plaintiff in any such action, such Plaintiff shall not have costs against the Defendant, unless the Judge before whom the trial is had certifies his approbation of the action and of the verdict.

If Plaintiff fails defendant may recover full costs.

No costs unless judge certifies his approval of action.

22. This Act shall not come into force in any place mentioned in the said first schedule until a Hospital situate within or within fifty miles of the outer limits of such place shall have been duly certified, and notice of its having been so certified been duly given in manner provided by this Act.

When this Act shall be in force in any place.

23. This Act shall continue in force for five years from the passing thereof and no longer.

Duration of this Act.

THE FIRST SCHEDULE.

<i>Places.</i>	<i>Limits of such places for the purposes of this Act.</i>
Quebec.	The City of Quebec, as bounded for municipal purposes, and all places within three miles of the outer boundaries thereof: The Town of Levis, the villages of St. Joseph de la Pointe Lévy and Bienville; as bounded for municipal purposes, and all places within three miles of the outer boundaries of either of them.
Montreal.	The City of Montreal as bounded for municipal purposes, and all places within three miles of the outer boundaries thereof.
Kingston.	The City of Kingston as bounded for municipal purposes, and all places within three miles of the outer boundaries thereof.
Toronto.	The City of Toronto as bounded for municipal purposes, and all places within three miles of the outer boundaries thereof.
Hamilton.	The City of Hamilton as bounded for municipal purposes, and all places within three miles of the outer boundaries thereof.
London.	The City of London as bounded for municipal purposes, and all places within three miles of the outer boundaries thereof.
Sorel.	The Town of Sorel, as bounded for municipal purposes, and all places within three miles of the outer boundaries thereof.

St. John's.

St. John's.	}	The Town of St. John's, as bounded for municipal purposes, and all places within three miles of the outer boundaries thereof.
Chambly.		The Village and Canton de Chambly, and all places within three miles of the outer boundaries thereof.

Any other place or places to which the Governor may, from time to time, by Proclamation, declare the foregoing Act to extend, with such limits as shall be defined in such Proclamation: and this Act shall then extend to each such place as if it had been named in the first column of this Schedule, and the limits assigned to it by the Proclamation had been mentioned in the second column thereof.

THE SECOND SCHEDULE.

FORM OF INFORMATION.

to wit: } The information of C. D.

[*Chief of Police, &c.*] for [or *Medical Practitioner, or as the case may be*] taken this day of 186 , before the undersigned, one of Her Majesty's Justices of the Peace, in and for the said [*County, &c.*] of ; who says he has good cause to believe that A. B. of in the [*County*] of is a common prostitute, and has a contagious disease within the meaning of the Contagious Diseases Prevention Act, 1865, and within fourteen days before the date of this information, that is to say: on day the day of was in a public place within the limits of a place to which the said Act applies, that is to say, in street, in the [*Parish*], of for the purpose of prostitution.

Taken before me the day and year first above mentioned.

(Signed.) L. M.

FORM OF NOTICE.

To A. B., of

Take Notice, that an Information, a copy whereof is subjoined hereto, has been laid before me, and that, in accordance with the provisions of the Act therein mentioned, the truth of the statements therein contained, will be enquired into before me or some other Justice, at on the day of at o'clock.

You

You are therefore to appear before me, or such other Justice, at that place and time, and to answer to what is stated in the said Information.

You may appear yourself, or by any person on your behalf

If you do not appear you may be ordered, without further Notice, to be taken to a Certified Hospital for Medical Examination.

If you prefer it, you may go with the constable [*or as the case may be*] who serves this Notice, to the Hospital, at _____, and submit yourself there to medical examination.

Dated this _____ day of _____

(Signed,) L. M.
Justice of the Peace for _____

(*Subjoin Copy of the Information.*)

FORM OF ORDER FOR EXAMINATION.

Be it remembered, that on the _____ day of _____ in pursuance of the Contagious Diseases Prevention Act, 1865, I, one of Her Majesty's Justices of the Peace in and for the said [County] of _____ do order that A. B., of _____ be taken to _____ Hospital (*being a certified Hospital within the meaning of the said Act*) for (*medical examination*).

(Signed,) L. M.

FORM OF MEDICAL CERTIFICATE.

To L. M. Esq. and others, Her Majesty's Justices of the Peace for the [County] of _____

In pursuance of the Contagious Diseases Prevention Act, 1865, I hereby certify that I have this day examined in this Hospital A B, of _____ and that she has a Contagious Disease within the meaning of the said Act.

Dated at the _____ Hospital this _____ day of _____ 186

(Signed,) E. F.
House Surgeon to the _____ Hospital.
(*Or as the case may be*)

FORM

FORM OF ORDER FOR DETENTION IN HOSPITAL.

To the Authorities of the _____ Hospital
 at _____
 } In pursuance of the Contagious Diseases
 to wit : } Prevention Act, 1865, I, one of Her Majesty's
 Justices of the Peace in and for the said [County] of _____
 do order that A. B. of _____ be detained in
 the _____ Hospital at _____ for medical
 treatment until duly discharged by you, and I do command
 you to detain her accordingly : and for so doing this shall be
 your Warrant.

Dated this _____ day of _____ 186 .

(Signed,) L. M.

C A. P. I X.

An Act to amend *The Gold Mining Act*, twenty-seventh and twenty-eighth Victoria, Chapter nine.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it is necessary and expedient to amend *The Gold Mining Act*, twenty-seventh and twenty-eighth Victoria, chapter nine : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Proviso in
 sect. 5 repealed.

1. The proviso contained in clause five of the said Act to the effect "that no license fee shall be exacted for exploring for Gold until the precious metal be discovered," is hereby repealed.

Sub-sect. 4 of
 sect. 32
 amended.

2. The word "two" in sub-section four, of clause thirty-two of the said Act is hereby repealed, and the word "four" substituted therefor.

Disputes
 between mas-
 ters and labo-
 rers, &c., in
 Gold Mining
 division may be
 determined by
 officer of divi-
 sion.

Proceedings in
 such case.

Levying sum
 adjudged.

3. Any complaint or dispute for, or in respect of wages between persons engaged in mining within any Gold Mining Division, or their agents or representatives, and the laborers or servants employed by them, may be heard and determined before the Officer of such division, who may by summons require the attendance of the defendant before him, and upon proof of the service of such summons may, either in the absence or presence of the defendant, determine such complaint in a summary manner, on the oath of any one or more credible witness or witnesses to be sworn before him, and may levy such sum as he may adjudge to be due by such person, or his agent or representative to such laborer or servant, together with the costs

costs of service by warrant of distress and sale of the defendant's goods and chattels.

4. This Act may be known and cited as *The Gold Mining Short title. amendment Act of 1865.*

C A P . X .

An Act to amend chapter thirty-two of the Consolidated Statutes of Canada, respecting the Bureau of Agriculture and Agricultural Societies.

[Assented to 18th September, 1865.]

WHEREAS difficulties have been found in carrying into effect the provisions of the above cited Act in so far as it relates to the Boards of Arts and Manufactures, and it is therefore expedient 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:

Preamble.

1. Notwithstanding anything contained in the twenty-second section of the said thirty-second chapter of the Consolidated Statutes of Canada, only the Professors and Lecturers of the various branches of Physical Science in the chartered Universities, and Colleges affiliated with Universities, in Upper and Lower Canada respectively for the time being *ex officio* shall be members of either of said Boards; the faculty of any other institution of learning, of collegiate rank, composed of at least five Professors or Lecturers, one of whom shall be a Professor or Lecturer upon Physical Science, may, in the month of December in each year, elect one of such Professors or Lecturers to represent such College or Faculty upon such Board; and the President or Principal of such College or Faculty shall certify to the Board the name of the Professor or Lecturer so appointed.

What professors only shall be *ex officio* members of the Boards.

Faculties of other institutions to elect one member each.

2. Every incorporated Society of working men in Lower Canada may elect one delegate to the said Board for Lower Canada for every twenty members on its roll, being actual working Mechanics and Manufacturers who have paid a subscription of at least five shillings each to a fund devoted by such Society to two or more of the following objects, viz: a library, a reading room, a museum, lectures on scientific subjects; or classes in which drawing, mathematics, Natural Philosophy, Natural History, mechanics, engineering, or more than one such subject is taught; and the fact of such contributions and their expenditure on such objects shall be verified on oath by the Secretary or Treasurer of such Society in the manner provided for by the second sub-section of the twenty-seventh section of said chapter of the Consolidated Statutes.

Each incorporated society of working men in L. C. may elect members on certain conditions.

Art associations may elect members on certain conditions.

3. Every incorporated Art Association in Upper and Lower Canada respectively may elect annually, one delegate to said Board for Upper and Lower Canada respectively, for every twenty members on its rolls, who have paid a subscription of not less than four dollars each to its funds, such funds being devoted, after paying salaries, rents and current expenses of said Association, to the promotion of the fine arts in this Province; such contributions and their application to such object to be certified on oath, in manner and form above provided for in case of Societies of working men.

When such elections shall be made.

4. Notwithstanding anything to the contrary in the twenty-third, twenty-fourth and twenty-fifth sections of the said Act, such elections and the elections by the several Mechanics' Institutes and Boards of Trade in Upper and Lower Canada respectively, shall be made at the last regular meeting of such Society, Association, Institute or Board in each year.

Special meetings of Boards may be called, and how.

5. Notwithstanding anything contained in the third subsection of the twenty-eighth section of the said Act, it shall be lawful for special meetings of the said Boards to be called from time to time, by notice setting forth the time and place, at, and the object or objects for which such meeting is to be held, inserted at least ten days before such meeting, in such newspapers as may be designated by resolution passed at any regular meeting of either of the said Boards.

Officers of Geological Survey to be *ex officio* members.

6. The Director and principal officers of the Geological Survey (a list of whose names shall be furnished by said Director to said Boards in December of each year) shall be *ex officio* members of each of said Boards.

Public Act.

7. This Act shall be deemed a Public Act.

C A P . X I .

An Act to amend chapter sixty-two of the Consolidated Statutes of Canada, and to provide for the better regulation of Fishing and protection of Fisheries.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Sections 1 to 51 of cap. 62 of C. S. Can. repealed.

1. Sections numbering from one to fifty-one, both inclusive, of chapter sixty-two of the Consolidated Statutes of Canada shall be and are hereby repealed.

FISHERY OVERSEERS.

2. The Commissioner of Crown Lands may appoint Fishery Overseers in Upper and Lower Canada, whose powers and duties shall be defined by this Act and the regulations to be made under it, and by instructions from the Department of Crown Lands; and every Overseer so appointed under oath of office shall be *ex officio* a Justice of the Peace for all the purposes of this Act and the Regulations to be made under it, within the County or Counties or Provisional Judicial District in Upper Canada, or District or Districts in Lower Canada, in which he is appointed to act as such Overseer :

Appointment
of Fishery
Overseers, in
L. C. and U. C.

2. Each Overseer shall take and subscribe the following oath :—

Oath of office.

“ I, A. B., Fishery Overseer in and for the district described in my appointment, do solemnly swear, that to the best of my judgment, I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such Overseer, according to the true intent and meaning of the Fisheries Act and Regulations, and in accordance with my instructions. So help me God.”

LEASES AND LICENSES.

3. The Commissioner of Crown Lands may, where the exclusive right of fishing does not already exist by law in favor of private persons, issue fishing leases and licenses for fisheries and fishing wheresoever situated or carried on, and grant licenses of occupation for public lands in connection with fisheries; but leases or licenses for any term exceeding nine years shall be issued only under authority of an order of the Governor General in Council.

Commissioner
of Crown
Lands to
grant leases
and licenses.

REGULATIONS.

4. The Governor General in Council may, from time to time, make all and every such regulation or regulations as shall be found necessary or deemed expedient for the better management and regulation of fisheries, to prevent the obstruction and pollution of streams, to regulate and prevent fishing, and to prohibit fishing except under leases and licenses :

Governor in
Council may
make regula-
tions.

2. The publication in the English and French languages in the *Canada Gazette* shall be sufficient notice to give legal effect to any Regulation adopted under this Act; and the production of a copy of any Regulation so in force, purporting to be printed by the Queen's Printer, and certified by the Commissioner or Assistant Commissioner of Crown Lands, as having been approved and adopted by order of the Governor General in Council, shall be admitted as full and sufficient evidence of the same in all courts of law or equity in Canada.

Publication and
proof of Regu-
lations.

Stating offences against this Act.

3. Each offence against any Regulation made under this Act may be stated as in contravention of the *Fisheries Act*.

FISHWAYS.

Fish ways over dams, &c., to be made, and kept open.

5. For the purpose of affording to fish a passage over dams and slides, or other obstructions, built or to be hereafter built across any stream where the Commissioner of Crown Lands may deem and determine it to be necessary for the public interest that the same should exist, there shall be attached and maintained, in practical and effective condition, upon each such impediment, a durable and efficient artificial fishway, in whatever place and of whatever form and capacity will admit of the certain ascent of the fish past the same, and any fishery officer may determine such place and form; which passes and fishways shall in every instance be kept open and supplied with a sufficient quantity of water to fulfil the purposes of this requirement during such time or times as may be required by any fishery officer acting under instructions from the Department of Crown Lands:

How the cost shall be defrayed.

2. For the construction and maintenance of each and every fishway, the Commissioner of Crown Lands may authorize payment of one-half of the expense incurred; and should it be expedient to forthwith procure the construction of any fishway, he also may give directions to make and complete the same, and in lieu of prosecuting for the penalty hereinafter provided, he may recover from the owner the cost so disbursed by action before any competent tribunal; Provided always, that the owner's share of expense may, at the option of any fishery officer, consist of work done and materials furnished;

Proviso: as to owner's share of cost.

Penalty for non-compliance with this section.

3. The penalty for non-compliance with this section may be recovered from any of the parties designated in section twenty-one of this Act, and shall be four dollars for each day during which such failure obtains; the liability to begin upon and continue from the date of notification herein provided; and the production of a certified copy, by any fishery officer, of notice given in accordance with instructions from the Department of Crown Lands, shall be received as proof that the party to whom it is addressed has been duly notified;

Fishway not to be obstructed.

4. No person shall injure or obstruct any fishway, nor do anything to deter or hinder fish from entering and ascending or descending the same, nor injure or obstruct any authorized barrier and mill-owners shall keep fishways clear and unobstructed.

DEEP SEA FISHERIES.

H. M. subjects may use

6. Every subject of Her Majesty may use vacant public property for the purposes of landing, salting, curing and drying fish,

fish, and cut wood thereon for such purposes, and no other person shall occupy the same station unless it shall have been abandoned by the first occupant for twelve consecutive months; and at the expiry of that period any new occupier shall pay the value of flakes and stages and other property thereon of which he may take possession, or the buildings and improvements may be removed by the original owner; and all subjects of Her Majesty may take bait or fish in any of the harbours or roadsteads, creeks or rivers; subject always, and in every case, to the provisions of this Act as affects the leasing or licensing of fisheries and fishing stations, but no property leased or licensed shall be deemed vacant.

vacant public property for landing fish, &c., and may take bait and fish; as to improvements made.

Proviso.

ENGAGEMENT OF FISHERMEN.

7. No person having been engaged by any written agreement to fish, or assist in any fishing, shall refuse to fulfil such engagement, or shall abandon his employer's service during the term of his engagement; nor shall any one engage, or endeavor to engage, any employee as aforesaid, during the term of service agreed upon with another; nor shall the owner or master of a vessel receive on board as a hand or passenger, any person so engaged in the fisheries, unless in possession of a certificate of discharge from his employer:

Rights and duties of employers and employed in fishing.

2. Each person engaged to fish, or assist at any fishery, shall, for securing his wages or share, have a first lien, preferable to any other creditor, upon the produce of his employer's fishery, and may recover the sum or share due to him before the nearest magistrate, or other competent tribunal;

Lien for wages on produce of fishery.

3. Any person taking away any boat belonging to another, without the owner's consent, shall be deemed guilty of a misdemeanor, and punished on summary conviction by fine and damages.

Taking boat without leave a misdemeanor.

EXEMPTION OF FISHING GEAR.

8. No one shall, between the first of May and first of November, in Lower Canada, and between the first of April and thirty-first of January, in Upper Canada, seize or attach any boat or vessel, tackle, net, seine or other fishing utensils, or any provisions belonging to any fisherman and necessary for his subsistence or his fishing operations, except only for the recovery of penalties imposed under this Act, and the regulations made under it, or for rents and fees due to the Crown.

Exemptions from seizure during certain periods.

Except for penalties.

CODFISHERY.

9. No one shall use mackerel, herring nor caplin seines for taking codfish, and no codfish seine shall be of a less sized mesh than four inches in extension in the arms, and three inches in the bunt or bottom of the seine.

What nets only may be used.

WHALE FISHERY.

Penalty for killing whales with rockets, &c.

10. Whales, seals and porpoises shall not be hunted or killed by means of rockets, explosive instruments or shells, under a penalty not exceeding three hundred dollars, or at least three months' and not exceeding six months' imprisonment, in default of payment.

SEAL FISHERY.

Seal fisheries not to be disturbed, &c.

11. During the time of fishing for seals, no one shall, with boat or vessel, knowingly or wilfully, disturb, impede or injure any sedentary seal fishery, nor prevent, hinder or frighten the shoals of seals coming into such fishery, under a penalty not to exceed sixty dollars for each offence, or imprisonment in default of payment not exceeding one month; the defendant being also liable for damages, to be adjudged by any magistrate before whom the injured party shall complain:

Penalty, &c.

Disputes as to seal fisheries how to be settled.

2. Disputes between occupiers of seal fisheries concerning limits and the mode of fishing or setting their nets, shall be decided summarily by any magistrate, on the report of arbitrators, and any damages assessed or accrued, or that may afterwards arise out of a repetition or continuance of the difficulty ordered to be remedied, may be levied under the warrant of any magistrate.

SALMON FISHERY.

Close season.

Proviso: as to fly-surface fishing.

12. Salmon shall not be fished for, caught or killed, between the thirty-first day of July and the first day of May; provided always, that it shall be lawful to fish for, catch and kill salmon with a rod and line, in the manner known as fly-surface-fishing, between the thirtieth day of April and the thirty-first day of August:

Foul salmon.

2. Foul or unclean salmon shall not be at any time caught or killed;

Salmon fry, parr and smolt not to be killed.

3. Salmon fry, parr and smolt, shall not be at any time fished for, caught or killed, and no salmon or grilse shall be caught or killed of less weight than three pounds; but where caught by accident in nets lawfully used for other fish, they shall be liberated alive at the cost and risk of the owner of the fishery, on whom shall in every case devolve the proof of such actual liberation;

Size of meshes of salmon nets.

4. Meshes of nets used for capturing salmon, shall be at least five inches in extension, and nothing shall be done to practically diminish or nullify their size;

As to nets for catching salmon.

5. The use of nets or other apparatus which capture salmon, shall be confined to tidal waters, and any fishery officer may determine

determine the length and place of each net or other apparatus so to be set anywhere in the tideway ; provided, that nothing contained in this section shall prevent the use of nets for catching salmon in the lakes of Upper Canada, nor preclude the Commissioner of Crown Lands from authorizing, by special licenses or leases, the capture of salmon by nets in fresh water streams, a list of which licenses or leases shall be published each season ;

Proviso : as to U. C. and special licenses.

6. The Commissioner of Crown Lands, or other person authorized by him to such effect, shall have power to define the tidal boundary of estuary fishing for the purposes of this Act ; and above the actual limit so to be laid down, it shall be unlawful to fish for salmon except with a rod and line, in the manner known as fly-surface-fishing, under a penalty not to exceed one hundred dollars, and imprisonment in default of payment, not exceeding two months ;

Boundaries of estuary fishing.

7. All nets, or other lawful appliances which capture salmon, shall be placed at distances of not less than two hundred and fifty yards apart, without intermediate fishing materials of any kind being set or used in and about any other part of the stream ;

Mode of setting nets.

8. Any Fishery Officer may prescribe either in writing or orally on sight, if deemed necessary, a further distance apart to be left between salmon nets, or other fishing apparatus, and their dimensions and extension ; but gill or float-nets shall not be used to lengthen, extend or enlarge any other kind of fishery ;

Power of Inspectors, as to distances, &c.

9. In Upper Canada, no salmon shall be captured within two hundred yards of the mouth of any creek or stream which salmon-frequent to spawn ;

As to spawning rivers in U. C.

10. Except in the manner known as fly-surface-fishing with a rod and line, salmon shall not be fished for, caught or killed at any artificial pass or salmon leap, nor in any pool where salmon spawn ;

Salmon not to be killed, at certain places.

11. No one shall take, use or possess any salmon roe, nor injure any spawning bed ;

Salmon roe.

12. From the time of low water nearest six of the clock in the evening on every Saturday, and the time of low water nearest six of the clock in the morning on each Monday, every net or other apparatus for catching salmon or trout shall be so raised or adapted as to admit of the free passage of fish through, past or out of the same, for the purpose of affording a free pass from six of the clock on each Saturday to six of the clock on each following Monday ; and during this close time it shall be unlawful to catch salmon or trout by such means ; and

Salmon and trout fishing apparatus to be open on Sundays.

any

Penalty for
contravention.

any so taken, caught or killed, together with the nets or other apparatus used, shall be forfeited, in addition to the penalties imposed by this Act.

LAKE AND RIVER TROUT FISHERY.

Prohibition
against fishing
in certain ways
and at certain
seasons.

13. It shall not be lawful to fish for, catch or kill any kind of trout (or "lunge") in any way whatever between the fifteenth day of September and the fifteenth day of December in each year; and no one shall at any time fish for, catch or kill trout by other means than angling by hand with hook and line, in any inland lake, river or stream, except in tidal waters; Provided always, that as affecting the waters of Upper Canada, such prohibitions shall apply only to the kind known as speckled trout; and it is further provided that this kind shall not be taken in any way whatever in such waters between the twentieth day of September and the first day of April:

As to speckled
trout.

Exceptions.

2. Nothing in the above clause shall prevent the use of small sized trout for the *bonâ fide* purpose of baiting traps, nor affect the taking and using the same by fishermen as bait for codfishing in tidal waters, nor subject them to penalty if by accident in *bonâ fide* fishing for herrings or white-fish by means of nets trout shall become enclosed or taken.

WHITE-FISH AND SALMON TROUT FISHERY.

Close season
for white-fish.

14. It shall not be lawful to fish for or catch white-fish in any manner between the nineteenth day of November and the first day of December, nor by means of any kind of seine, between the thirtieth day of May and first day of August in Upper Canada, or between the thirty-first day of July and first day of December in Lower Canada, nor shall the fry of the same be at any time destroyed; but the Governor General in Council may by regulations extend or vary these dates and fix such other times as shall be adapted to different localities:

Gill nets in
Upper Canada.

Proviso.

2. Gill nets for salmon trout or white-fish, used in Upper Canada after the twentieth day of July, shall have meshes of at least three inches extension measure; and gill nets shall not be set within two miles of any seining grounds;

Seines for
catching
white-fish.

3. Seines for catching whitefish shall have meshes of not less than three inches extension measure; Provided that in the rivers Niagara, Detroit and St. Clair, seines may be used not exceeding three hundred and ninety feet in length;

Fresh water
herring.

4. It shall not be lawful to catch or take, in any way whatever, the fresh water herring, in any of the lakes of Lower Canada, between the ninth day of May and the tenth day of July.

BASS AND PICKEREL FISHERY.

15. Bass, pike, pickerel (*dorée*) and maskinongé shall not be fished for, caught or killed, between the thirtieth day of April and the first day of June in Lower Canada, and in Upper Canada the close season may be established by Regulations of the Governor General in Council to suit different localities. Close season.

POSSESSION OF FISH.

16. No one shall buy, sell or possess any fish named in this Act, or parts thereof, during seasons when catching or killing the same is prohibited by law; Pickled and salted fish of the kinds herein described may be bought, sold or possessed, provided the same shall have been caught at legal times and by lawful means: Restrictions on purchase, sale or possession of fish during close seasons.

2. It shall be the duty of every excise officer, customs officer, police officer or constable, clerk of a market or other party in charge of any market-place in every village, town and city, to seize and forfeit on view to his own proper use, or gift, any fish enumerated in this Act, during prohibited seasons, or which appears to have been killed by unlawful means; but every such seizure and appropriation, with the date, place, and circumstances thereof, shall be duly reported, together with the name, residence and calling of the person in whose possession such fish was found, to some Justice of the Peace having jurisdiction over the district within which such forfeiture has taken place. Certain officers to forfeit fish exposed for sale during the close seasons.

GENERAL PROHIBITIONS.

17. Whoever fishes for, takes, catches or kills fish in any water, or along any beach, or within any limits of stationary or seine fishery described in leases or licenses now existing or hereafter to be granted, or places, draws or sets therein any fishing gear or apparatus, except by permission of the occupant under such lease or license for the time being, shall incur a penalty not exceeding one hundred dollars, with costs, or imprisonment not exceeding two months, and the forfeiture of fishing apparatus so used, and all fish taken or caught; and any such lessee or licensee may, upon his own view, remove and place in the custody of a fishery officer, or the nearest magistrate, or constable, any net or apparatus so used in trespass, to be afterwards dealt with according to law; provided always, that the occupation of any fishing station or waters so leased or licensed for the express purpose of net fishing shall not interfere with the taking of bait used for codfishing, nor prevent angling for other purposes than those of trade and commerce: Penalty for fishing within limits leased to other persons.

2. Seines, nets or other fishing apparatus, shall not be set in such a manner, or in such places as to obstruct the navigation with Navigation not to be obstructed.

with boats and vessels, and no boats or vessels shall be permitted to destroy or injure in any way, any seines, nets or other fishing apparatus ;

Stakes to be removed, at end of season.

3. Stakes or other timber placed for fishing purposes in any water shall be removed by the user within eight days after last using the same, or at the expiry of the fishing season ;

Main channels of streams not to be obstructed.

4. The main channel or course of any stream shall not be obstructed by any nets or other fishing apparatus ; and one-third of the course of any river or stream, and not less than two-thirds of the main channel at low tide, in every tidal stream, shall be always left open and no kind of fishing apparatus or material shall be used or placed therein ; provided that weirs used exclusively for catching eels, and the usage of mill-dams for catching eels, shall be subject to interference only in cases where, and at times when, they injure other fisheries, or, by completely barring any passage, shall deprive other weirs of a share in the run of eels, and such place, time and circumstance may be determined by any fishery officer ;

Proviso : as to eel fishing.

Burlington Bay and Dundas Marsh.

5. Seines or nets shall not be used in Burlington Bay, nor in Dundas Marsh ; no net or other device shall be used to hinder or obstruct the passage of fish to and from the said bay, or to and from any of the other waters of this province by any of the ordinary channels connecting such waters ;

Killing fish at certain places forbidden.

6. The catching, killing or molesting of fish when passing or attempting to pass through any fishway, fishpass, or in surmounting any obstacle or leaps—the use of any invention to catch, kill or molest fish in the mill-dams, fishways, mill-heads and water-courses appurtenant thereto, are hereby forbidden ;

Certain nets prohibited.

7. Bag-nets and trap-nets and fish-pounds are prohibited, except for capturing deep-sea fishes, other than salmon ; and no net or other device shall be so placed as to obstruct the passage of fish to and from their accustomed resorts for the purpose of spawning and increasing their species ;

Fish not to be killed in certain ways.

8. It shall not be lawful to fish for or catch or kill salmon, salmon-trout, sea-trout, or trout of any kind, lunge, winnoniche, bass, bar-fish, pickerel, white-fish, herring, or shad, by means of spear, grapnel hooks, negog, or nishagans, nor by aid of torchlight, or any other artificial light ; provided, the Commissioner of Crown Lands may appropriate and lease certain waters in which certain Indians shall be allowed to catch fish for their own use as food in and at whatevermanner and time are specified in the lease, and may permit spearing in certain localities for bass, pike and pickerel between the fourteenth of December and the first of March ;

Proviso : as to Indians.

Young fish.

9. No person shall fish for, catch, or kill the young of any of the fish named in this Act ;

10. Seines for bar-fish and white-fish, in Lower Canada, shall have meshes of not less than three inches, extension measure; Seines in Lower Canada

11. Seining for smelts (*éperlan*) shall be allowed only during the months of May, October, November and December, upon that part of the river St. Lawrence west of a line drawn from Bic to Portneuf; Seining for smelts.

12. Fishery officers may determine or prescribe the distance between each and every fishery, and shall forthwith remove any fishery which the owner neglects or refuses to remove, and such owner shall be moreover liable for a breach of this Act, and for the cost and damages of removing the same; Distance between fisheries.

13. In every brush fishery or weir there shall be a space, situated at the inside corner of the pound where the tide ebbs; of not less than five feet square, to be measured from the bottom of the pound even with the ground; the said space to be covered by a single net work having meshes of at least one inch square to be kept open and unobstructed, and the bed of each pound shall be kept always level and clear of dead or decayed fish and rubbish or sea-weeds; provided that no brush fishery shall be used to capture salmon unless the net work herein prescribed has meshes of at least five inches in extension; and no new brush fishery shall be established where one did not exist in the fishing season of one thousand eight hundred and sixty-four; Brush fisheries or weirs. Proviso.

14. Every fascine fishery with a box-trap (*coffre*), instead of pound, shall have across the outside end of such box (*coffre*) a wire covering or a net work, the meshes of which shall be at least one inch square; but this shall not apply to eel weirs during autumn; Fascine fisheries.

15. Nets or other fishing apparatus shall not be so used as to impede or divert the course of fish in any of the small rivers emptying into the Rivers St. Lawrence and Richelieu. Fishing apparatus in small rivers.

INJURIES TO FISHING GROUNDS AND POLLUTION OF RIVERS.

18. Whoever throws overboard ballast, coal ashes, stones, or other prejudicial or deleterious substances, in any river, harbour or roadstead, or any water where fishing is carried on, or throws overboard or lets fall upon any fishing bank or ground, or leaves, or deposits, or causes to be thrown, left, or deposited upon the shore, beach, or bank of any water; or upon the beach between high and low water mark, inside of any tidal estuary, or within two hundred yards of the mouth of any salmon river, remains or offals of fish; or of marine animals, or leaves decayed or decaying fish in any net or other fishing apparatus, shall incur for any such offence a fine not exceeding one Penalty for throwing overboard substances prejudicial to the fisheries.

one hundred dollars, or imprisonment for not more than two months ; and every person so doing, whether master or servant, and the master or owner of any vessel or boat from which such ballast, or offals, or other prejudicial substance are thrown, shall severally become liable for each offence ; provided always, that it shall be lawful to bury such remains, or offals ashore, beyond high water mark, and at establishments, situated inside of the mouths of rivers, for carrying on deep sea fisheries, to drop the same into perforated boxes or enclosures built upon the beach, or under stage-heads, in such manner as to prevent the same from being floated or drifted into the streams, or to dispose of them in such other manner as may be prescribed by any fishery officer :

Proviso : as to burying offals.

Poisonous substances not to be used.

Saw-dust.

2. Lime, chemical substances or drugs, poisonous matter, (liquid or solid,) dead or decaying fish, or any other deleterious substance, shall not be drawn into, or allowed to pass into, be left or remain in any water frequented by any of the kinds of fish mentioned in this Act ; and saw-dust or mill-rubbish shall not be drifted or thrown into any stream frequented by salmon, trout, pickerel or bass, under a penalty not exceeding one hundred dollars ;

Penalty for kindling fires in certain places.

Proviso.

3. Whoever at any time between the fifteenth of June and the fifteenth of September, of any year, kindles, makes or places any fire in or near any wood, trees, brushwood, or any wild or uncultivated land, at any place north of the River or Gulf of St. Lawrence, to the east or north of the Saguenay River, or on any of the islands below or to the eastward of Red Island, within the said river or gulf, whereby the fire spreads or extends through standing trees, brushwood or scrub, to a distance exceeding one arpent, shall be guilty of an offence, and shall, for such offence, incur a penalty not exceeding fifty dollars, and shall besides be responsible to the Crown, or whoever may be the owner of the land, for all damages occasioned by such fire ; provided, that nothing herein contained shall prevent proprietors from burning the wood, trees or brushwood on their own land, or otherwise using fire to clear their lands, without injury or prejudice to their neighbours.

MISCELLANEOUS PROVISIONS.

Waters may be set apart for propagation of fish.

Penalty for trespass.

19. The Commissioner of Crown Lands may authorize to be set apart, and may grant leases for any river or other water for the natural or artificial propagation of fish ; and any person who wilfully destroys or injures any place set apart or used for the propagation of fish, or fishes therein without written permission from a fishery officer, or uses any fishing light or other implement for fishing, during the period for which such waters are so set apart, shall incur a fine not exceeding two hundred dollars, or in default of payment, shall be imprisoned for not more than four months :

2. Nothing contained in this Act shall preclude the granting by the Commissioner of Crown Lands of written permission to obtain fish and fish spawn, for purposes of stocking or artificial breeding, and for scientific purposes ;

Licenses to take spawn, &c.

3. Lessees of fisheries shall have no claim to renewal of leases if in arrears of rent or percentage, during four months after the same is due, and any lessee convicted of an infraction of this Act, shall be liable to forfeit his lease ;

Lessees in arrear.

4. Special licenses and leases may be granted to any party or parties for any term of years, who may wish to plant or form oyster beds in any of the bays, or between any of the islands on the coast of Canada, and in the St. Lawrence ; and the holder of any such lease or license shall have the exclusive right to fish for or dispose of the oysters produced or found on the beds, within the limits of such license, for the term of such lease ;

Licenses and leases for oyster beds.

5. The Commissioner of Crown Lands may authorize to be expended annually, a sum not exceeding one thousand dollars, for the formation of oyster beds, in various bays and waters found adapted for that purpose, and transplanting oysters, and towards restocking exhausted fisheries by natural or artificial means, and to improve streams where natural obstructions exist, and may authorize the construction, erection or placing of any artificial barrier or grating in any stream or river, or in any water-course, and in the channels or beds thereof ;

Grant for encouraging the formation of oyster beds.

6. With a view to protect the oyster beds to be formed in 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 *Canada Gazette*, and in such other newspapers as the Commissioner may direct, under a penalty of not more than one hundred dollars, nor less than forty dollars, together with the forfeiture of the vessel and all the apparatus employed therein ; and in default of payment, the party convicted shall be imprisoned for not less than one month, nor more than two months ;

Protection of oyster beds. Penalty for disturbing.

7. Every brush or fascine fishery, and every fishery besides the kind mentioned in sub-section thirteen of the twelfth clause of this Act, shall, during the salmon fishing season, be provided with a close gate of net-work, or other material in which the openings or meshes shall be not less than half an inch square, or otherwise of that size, and be shut or placed against each entrance to the pound of the fishery, from six, p. m., on Saturday, to six, a. m., on Monday, of each and every week.

Gates to fisheries to be open on Sundays.

FINES AND FORFEITURES.

Penalty where
no other is
provided.

20. Except for offences to which penalties are already attached, each and every offender against the provisions of this Act, or the regulations under it, shall for each offence incur a fine of not more than twenty dollars, besides all costs; and in default of payment of each fine, shall be imprisoned in each case for not less than eight days, and not exceeding one month; provided, whenever it shall appear to the satisfaction of the convicting magistrate, that the offence has been committed in ignorance of the law, and that because of the poverty of the defendant, the penalty imposed would be oppressive, a discretionary power may be exercised, and any magistrate may grant a warrant of distress for the amount of fine and costs imposed in any case:

Separate offen-
ce on each day.

2. The contravention on any day of any of the provisions of this Act, or of any regulation made under it, shall constitute a separate offence, and may be punished accordingly;

Distress for
penalty.

3. Should any defendant have goods and chattels whereon the costs may be levied, the complainant may distrain for the amount under warrant by any magistrate, notwithstanding the imprisonment of the party convicted and fined;

Forfeiture of
materials, &c.,
for contraven-
tion of this Act.

4. All materials, implements or appliances used, and all fish had in contravention to this Act, shall be confiscated to Her Majesty, and the proceeds of disposal thereof may be applied towards defraying expenses under this Act, and may be seized on view by any fishery officer, or taken and removed by any person for delivery to any magistrate;

Appropriation
of fines and for-
feitures.

5. Fines and forfeitures and proceeds derived from the sale of confiscated articles under this Act, shall be paid into the Department of Crown Lands, and applied towards the expenses incurred for the protection of fisheries;

The same.

6. One half of every fine levied by virtue of this Act, shall belong to Her Majesty, and the remaining moiety thereof shall be paid to the prosecutor, together with costs taxed to him for attendance as a witness or otherwise.

MODE OF RECOVERY.

Before whom,
and evidence.

21. Each penalty or forfeiture imposed by this Act, or Regulations made under it, may be recovered, on parole complaint, before any stipendiary or other magistrate, in a summary manner, on the oath of one credible witness:

Delay between
service of sum-
mons and its
return.

2. Three days shall elapse between the service and the return of summons to any defendant for the first five leagues, and one day more for each additional five leagues of the distance between

between the place at which the summons is dated and the place of service ; Provided that, when it is expedient to proceed against a defendant without delay, any magistrate may issue a summons, returnable immediately, to compel the defendant to appear before him forthwith, or may issue a warrant for the apprehension of such defendant simultaneously with the summons ;

Compelling defendant to appear immediately.

3. Penalties incurred under this Act, or the Regulations made under it, shall be sued for within two years from the commission of the offence ;

Penalties to be sued for within two years.

4. When not otherwise specified, every proprietor or proprietor, owner, agent, tenant, occupier, partner, or person actually in charge, either as occupant or servant, shall be deemed to be jointly and severally liable for penalties or moneys recoverable under any of the provisions of the Fisheries Act ;

Who shall be liable.

5. No proceeding under this Act shall be dismissed, and no conviction thereunder 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 it is alleged that the party has been convicted, and there is a good and valid conviction to sustain the same ; and no case under this Act shall be removed into any Court by Writ of *Certiorari*, unless the party convicted shall first deposit with the convicting Magistrate the amount of fine and costs within twenty-four hours in Upper Canada, and six days in Lower Canada.

No proceedings to be quashed for want of form.

Exception.

POWERS OF MAGISTRATES.

22. Any stipendiary or other magistrate may convict upon his own view of any of the offences, both as infractions and for non-compliance, punishable under the provisions of this Act ; and shall remove or cause to be removed instantly and detain any materials illegally in use :

Magistrate may convict on view, &c.

2. Any stipendiary or other magistrate may search, or shall grant a warrant to have searched, any vessel or place where there is cause to believe that any fish taken in contravention of this Act, and anything used in violation thereof may be concealed ;

And may make search or grant search warrants.

3. The stipendiary magistrate on board of any government vessel employed in the service of protecting fisheries shall be vested with the summary powers now exercised by Recorders, Sheriffs and Police Magistrates, and the person at the head of the Fisheries Branch of the Department of Crown Lands, for the time being, shall be *ex-officio* a Justice of the Peace in and for each and every county and temporary provisional judicial district in Upper Canada, and each and every district in Lower Canada, for the purpose of this Act without property qualification and

Stipendiary Magistrate in Government vessel to have certain powers.

And to act
under game
Acts.

and the said stipendiary magistrate shall be *ex-officio* a Justice of the Peace in Lower Canada without property qualification, and the said officers and all fishery overseers shall exercise the same powers under the Game Acts in Upper and Lower Canada respectively as under the present Act ;

Offences
committed on
boundaries.

4. Where any offence under this Act is committed in, upon or near any waters forming the boundary between different counties or districts, such offence may be prosecuted before any magistrate in either of such counties or districts ;

Fishing officers
not liable for
trespass.

5. In the discharge of his duties any Fishery Officer, or other person or persons by him accompanied or authorized to such effect, may enter upon and pass through or over private property without being liable for trespass.

FORMS OF PROCEDURE.

Forms as in
Schedule.

23. Complaints under this Act may be in the form A ;— Summonses in the form B ;— Subpœnas 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 Consolidated Statutes of Canada respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders, shall apply to cases under this Act.

Chapter 103 of
C. S. Can. to
apply.

FISHING BOUNTIES.

Amendments to
sections of C. S.
Can. cap. 62,
not hereby
repealed.

24. Amendments to the several sections of chapter sixty-two of the Consolidated Statutes of Canada, relating to Fishing Bounties, which, by the first section of this Act, are excepted from repeal, shall be made as follows :

Sec. 54.

1. In section fifty-four the words " the Superintendent of Fisheries or from " shall be struck out ;

Sec. 59.

2. In section fifty-nine the words " Consolidated " and " of Canada " shall be struck out ;

Sec. 64.

3. In section sixty-four the words " Superintendent of Fisheries or to the " shall be struck out ;

Sec. 66.

4. In section sixty-six the words " Superintendent of Fisheries " shall be struck out, and the words " Commissioner of Crown Lands " inserted in their stead ;

Sec. 67.

5. In section sixty-seven the word " exclusively " shall be inserted in the first line after the word " paid ; "

Sec. 71.

6. In section seventy-one the words " Superintendent of Fisheries " shall be struck out, and the words " Commissioner of Crown Lands, " substituted ;

7. The Commissioner of Crown Lands shall have power to make departmental regulations for the prevention of fraud, and to ensure the observance of all requirements of the bounty laws, and the due fulfilment of the intent and meaning thereof; which regulations shall be binding upon all Collectors of Customs and the claimants under bounty licenses;

Commissioner of Crown Lands to make regulations as to bounties.

25. This Act shall be known and cited as *The Fisheries Act*. Short title.

SCHEDULE A.

Form of Complaint.

Upper (or Lower) Canada, }
County (or District) of . }

This day of , 18 .

To J. S., a Justice of the Peace
for the said County (or District).

A. B., of , complains that C. D. of , hath (*state the offence briefly in any intelligible terms, with the time and place at which it was committed,*) in contravention of the Fisheries 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.

Upper (or Lower) Canada, }
County (or District) of . }

To C. D., of , &c.

Whereas complainant hath (*this day*) been made before me that you (*state the offence in the words of the complaint, or to like effect*) in contravention of the Fisheries Act: Therefore you are hereby commanded to come before me, at , on the day of , at o'clock in the , to answer the said complaint and to be dealt with according to law.

Witness my hand and seal, this day of , 18

Justice of the Peace for

[L. S.]
SCHEDULE

SCHEDULE C.

Subpoena 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 , 18

J. S.,
(as in Summons.)
[L. S.]

SCHEDULE D.

Form of Conviction.

Upper (or Lower) Canada, }
County (or District) 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 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 , 18 .

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, }
County (or District) of }

To the Constables and Peace Officers of the County (or District) of _____ and the Keeper of the Common Gaol of the said County (or District), 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 the 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.]

C A P. XII.

An Act in reference to the qualification of Justices of the Peace.

[Assented to 18th September, 1865.]

WHEREAS certain of Her Majesty's Justices of the Peace in this Province have heretofore, in error, taken and subscribed the oath of Qualification of Justices of the Peace mentioned and set forth in the Third Section of the One Hundredth Chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the Qualification of Justices of the Peace*, before the Clerk of the Peace of the District or County, or before a Commissioner assigned by *Dedimus Potestatem* to administer oaths and declarations, or before some person not being a Justice of the Peace for the District or County for which such Justices intended to act, and it is expedient to confirm such oaths so taken, and to indemnify such Justices from and against all forfeitures, penalties, and proceedings in respect thereof: Therefore, Her Majesty, by and with the advice and consent

Preamble.

Con. Stat. Can.
cap. 100.

of the Legislative Council and Assembly of Canada, enacts as follows :

Before whom the oath of qualification by Justices of the Peace may be taken.

1. For and notwithstanding anything contained in the third section of the one hundredth chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the qualification of Justices of the Peace*, the oath of qualification therein mentioned and set forth may be taken and subscribed before any other Justice of the Peace, or before any person assigned by the Governor to administer oaths and declarations, or before the Clerk of the Peace of the District or County for which such Justice intends to act, and a certificate of such oath having been so taken and subscribed, shall be forthwith deposited by the person who has taken the same at the office of the Clerk of the Peace for the district or county, and shall, by the said clerk, be filed among the records of the Sessions of the said district or county, and this provision shall be construed and have effect as if it had been contained in the Act passed in the sixth year of Her Majesty's Reign, intituled: *An Act for the qualification of Justices of the Peace*.

How this provision shall be construed.

Such oaths heretofore taken before certain officers, &c., declared to be good and valid in law.

2. All oaths of qualification heretofore taken and subscribed by any Justice of the Peace in this Province before the Clerk of the Peace of the District or County for which such justice intended to act, or before a Commissioner assigned by *Dedimus Potestatem*, to administer oaths and declarations, or before any person not being a duly qualified Justice of the Peace for the said District or County, are hereby declared to have been and to be good and valid in Law and Equity to all intents and purposes ; and from and after the passing of this Act no civil action or information or other proceeding at law or in equity shall be brought under the aforesaid Act against any Justice of the Peace for having acted as such Justice of the Peace in and for any District or County in this Province, without having taken and subscribed the aforesaid oath before some Justice of the Peace for the District or County for which he intended to act ; and if before the passing of this Act, any such civil action or information or other proceedings at Law or in Equity shall have been brought or is now pending against any Justice of the Peace for the reasons or causes aforesaid, or any matter arising thereout, and in which such civil action, information or other proceedings at Law or in Equity, judgment or execution has not been actually satisfied, the same shall be stayed absolutely without costs, in favour of the plaintiff or informer or his attorney as against the defendant, and no further proceedings of any kind shall be hereafter had therein.

Provision for protection of persons acting as Justices of the Peace, as regards their having taken the oath of office.

County Judges in U. C. to be *ex officio* Justices of the Peace.

3. Every Judge and every Junior and every Deputy Judge of a County Court in Upper Canada shall, *ex officio*, be a Justice of the Peace for the County or Union of Counties in which he shall be such Judge or Junior or Deputy Judge, and no Deputy Judge shall be disqualified by being an Attorney or Solicitor.

Interpretation Act to apply.

4. The Interpretation Act shall apply to this Act.

CAP. XIII.

An Act for abolishing the punishment of death in certain cases.

[Assented to 18th September, 1865.]

WHEREAS it is expedient to abolish the punishment of Preamble.
 death in the cases hereinafter mentioned : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. If any person shall, after the commencement of this Act, Any person guilty of—
 be convicted of any of the offences hereinafter mentioned, that is to say :

Firstly. Of having, to the number of twelve or more, been unlawfully, riotously and tumultuously assembled together to the disturbance of the public peace, and having been required or commanded by any one or more justice or justices of the peace, or by the sheriff of the county or his under sheriff, or by the mayor, bailiff or bailiffs, or other head officer, or justice of the peace of any city or town corporate where such assembly shall have been, by proclamation, made in the Queen's name in the form directed by law, to disperse themselves, and peaceably to depart to their habitations or to their lawful business, and of having, to the number of twelve or more (notwithstanding such Proclamation made), unlawfully, riotously and tumultuously remained or continued together by the space of one hour after such command or request made by proclamation ; or, Riotously and tumultuously assembling with others, and so continuing after proclamation.

Secondly. Of having with force and arms, wilfully and knowingly opposed, obstructed, or in any manner, wilfully and knowingly let, hindered, or hurt any person or persons who had begun to proclaim, or was going to proclaim, according to the proclamation directed by law to be made, whereby such proclamation shall not have been made ; or, Obstructing persons making proclamation.

Thirdly. Of having been unlawfully, riotously and tumultuously assembled with other persons to the number of twelve as aforesaid, or more, to whom proclamation should or ought to have been made, if the same had not been hindered as aforesaid ; and of having, to the number of twelve or more, continued together, and not dispersed themselves within one hour after such let or hindrance so made, having knowledge of such let or hindrance so made ; or, Unlawfully assembling with others and not dispersing, knowing that proclamation has been hindered.

Fourthly. Of having administered to, or caused to be taken by any person, any poison or other destructive thing, or of having stabbed, cut or wounded any person, or, by any means whatsoever, caused any bodily injury dangerous to life, to any person, with intent, in any of the cases aforesaid, to commit murder ; or, Causing bodily injury with intent to murder.

Buggery.

Fifthly. Of having been guilty of the abominable crime of buggery committed either with mankind or with any animal ; or,

Robbing and wounding.

Sixthly. Of having robbed any other person, and at the time or immediately before or immediately after such robbery, stabbed, cut, or wounded any person ; or,

Burglary and assault.

Seventhly. Of having burglariously broken and entered any dwelling house, and assaulted with intent to murder any person being therein, or stabbed, cut, wounded, beaten or struck any such person ; or,

Maliciously setting fire to inhabited house.

Eighthly. Of having unlawfully and maliciously set fire to any dwelling house, any person being therein ; or,

Maliciously setting fire to or destroying any ship, &c.

Ninthly. Of having unlawfully and maliciously set fire to, cast away, or in any wise destroyed any ship or vessel, either with intent to murder any person, or whereby the life of any person was endangered ; or,

Exhibiting false lights or signals.

Tenthly. Of having unlawfully exhibited any false light or signal, with intent to bring any ship or vessel into danger, or of having unlawfully and maliciously done anything to cause the immediate loss or destruction of any ship or vessel in distress ;

Shall not suffer or be sentenced to death, but be liable to imprisonment in the discretion of the Court.

Such person shall not suffer death, nor have sentence of death awarded against him or her for the same, but shall be liable at the discretion of the Court, to be imprisoned in the Penitentiary for the term of his or her natural life, or for any term not less than two years, or to be imprisoned in any other prison or place of confinement for any term less than two years.

CAP. XIV.

An Act to provide more fully for the punishment of Offences against the person, in respect to the crime of Kidnapping.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it is expedient and necessary to provide more fully for the punishment of the crime of Kidnapping : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Any person guilty of kidnapping to be guilty of felony.

1. Any person who, without lawful authority, shall forcibly seize and confine, or imprison any other person within this Province, or shall kidnap any other person with intent—

1. To cause such other person to be secretly confined or imprisoned in this Province against his will ; or,

2.

2. To cause such other person to be sent or transported out of this Province against his will ; or,

3. To cause such other person to be sold or captured as a slave, or in any way held to service against his will ;

Shall be guilty of felony, and upon conviction, shall be punished by imprisonment in the Penitentiary, for any term not less than two nor more than seven years, or by imprisonment in any other prison or place of confinement for any term not more than two years.

2. Any person who shall be convicted of having been an accessory, before or after the fact, to the commission of any kidnapping or unlawful confinement, as hereinbefore prohibited, shall be guilty of felony ; and all the provisions of the ninety-seventh chapter of the Consolidated Statutes of Canada, respecting accessories before or after the fact, shall be applicable to this Act, and to the offence of kidnapping, as if the same were enacted as part hereof.

Accessories to be guilty of felony.

3. Upon the trial of any offence under this Act, the non-resistance of the person so kidnapped or unlawfully confined, thereto, shall not be a defence, unless it appear to the satisfaction of the court and jury that such non-resistance was not caused by threats, *duress*, or force, or exhibition of force.

Consent or non-resistance not to be a defence.

4. Every offence prohibited by this Act may be tried either in the district or county in which the same may have been committed, or in any district or county into or through which any person so kidnapped or confined, may have been carried or taken while under such confinement ; but no person who has been once duly tried for any such offence, shall be liable to be again indicted or tried for the same offence.

Where offenders may be tried.

C A P . X V .

An Act to provide against the introduction and spreading of disorders affecting certain animals.

[Assented to 18th September, 1865.]

WHEREAS it is expedient that power should be given to the Governor in Council to take such measures as may appear to be necessary in order to prevent the introduction of contagious or infectious disorders affecting sheep, cattle, horses and other animals, and check such disorders from spreading, if introduced, and that other provision should be made for the same purpose : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

Governor in Council may prohibit importation of cattle, &c.

1. It shall be lawful for the Governor, from time to time, by Order in Council, to prohibit the importation or introduction into this Province, or into any particular port or ports thereof, of cattle, sheep, horses, swine or other animals, either generally or from any place or places that may be named in such order, for such period or periods as he may deem to be necessary for the purpose of preventing the introduction of any contagious or infectious disorder among the sheep, cattle, horses, swine or other animals in this Province.

May order infected cattle imported or fodder, to be destroyed, &c.

2. It shall be lawful for the Governor, from time to time, by Order in Council, to make such regulations for subjecting sheep, cattle, horses, swine or other animals to quarantine, or for causing the same to be destroyed upon their arrival in this Province, or for destroying any hay, straw, fodder or other article whereby it appears to him that contagion or infection may be conveyed, and generally to make such regulations with respect to the importation or introduction into this Province, of sheep, cattle, horses, swine or other animals, as he may consider to be necessary in order to prevent the introduction of any contagious or infectious disorders into this Province.

Cattle, &c., imported contrary to order in council to be forfeited.

Penalty on importer.

3. If any sheep, cattle, horse, swine or other animal, be imported or introduced, or attempted to be imported or introduced into this Province, contrary to the provisions of any Order in Council made in pursuance of this Act, the same shall be forfeited and forthwith destroyed; and every person importing or introducing, or attempting to import or introduce, any sheep, cattle, horse, swine or other animal into this Province, contrary to the provisions of any such Order in Council, shall be liable to a penalty of two hundred dollars for every sheep, head of cattle, horse, swine or other animal so imported or introduced, or attempted to be imported or introduced into this Province by him.

May prohibit removal of cattle, &c., or fodder, to prevent propagation of infection.

4. It shall be lawful for the Governor, from time to time, by Order in Council, to make such regulations as to him may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts of or places in this Province, as he may designate in such order, of sheep, cattle, horses, swine or other animals, or of meat, skins, hides, horns, hoofs or other parts of any animals, or of hay, straw, fodder or other articles likely to propagate infection; and also for the purpose of purifying any yard, stable, outhouse or other place, or any waggons, carts, carriages, cars or other vehicles; and also for the purpose of directing how any animals dying in a diseased state, or any animals, parts of animals, or other things seized under the provisions of this Act, are to be destroyed or otherwise disposed of, and also for the purpose of causing notices to be given of the appearance of any disorder among sheep, cattle, horses, swine or other animals, and to make any other orders or regulations for the purpose of giving effect to the provisions

And direct how diseased animals, &c., shall be disposed of.

provisions of this Act, and again to revoke, alter or vary any such orders or regulations ; and all provisions for any of the purposes aforesaid, in any such Order in Council contained, shall have the like force and effect as if the same had been inserted in this Act ; and every person offending against the same, shall for each and every offence, forfeit and pay such sum, not exceeding one hundred dollars, as the Governor in Council may, in any case, by any such order, direct to be forfeited and paid for contravention thereof.

Order may be altered.

Penalty for contravention.

5. Every Order in Council made under the authority of this Act, shall, within fourteen days after the issuing thereof, be twice published in the *Canada Gazette* ; and in case any such Order in Council, or any order or regulation in it applies to any particular part of or place in this Province, then such Order in Council shall also be twice published within fourteen days after the issuing thereof, in some newspaper or newspapers circulating in the county or counties within which each of such parts or places, or any portion or portions thereof respectively, is or are situate.

How such orders in Council shall be published.

6. A copy of every Order in Council made under the authority of this Act, shall be laid before each House of the Parliament of this Province, within six weeks after the issuing thereof, if such Parliament be then sitting, and if such Parliament be not then sitting, then within six weeks after the commencement of the then next session of such Parliament.

Copies to be laid before Parliament.

7. In case any animal of any of the kinds mentioned in this Act, infected with or laboring under any contagious or infectious disorder, be exposed or offered for sale, or be brought or attempted to be brought for the purpose of being exposed or offered for sale in any market, fair or other open or public place where other animals are commonly exposed for sale, then, and in any such case, it shall be lawful for any clerk or inspector or other officer of such fair or market, or for any constable or policeman, or for any other person authorized by the mayor or reeve, or by any two Justices of the Peace having jurisdiction in the place, or for any person authorized or appointed by the Governor in Council, to seize the same, and to report the seizure to the mayor or reeve, or to any justice of the peace having jurisdiction in the place ; and it shall be lawful for such mayor, reeve or justice, either to restore the same or to cause the same together with any pens, hurdles, troughs, litter, hay, straw or other articles which he may judge likely to have been infected thereby, to be forthwith destroyed or otherwise disposed, in such manner as he shall deem proper, or as may be directed, as hereinbefore provided ; and any person bringing, or attempting to bring, any animal of any of the kinds mentioned in this Act, into any such market, fair or open or public place as aforesaid, knowing such

Infected animals exposed for sale at market, &c., to be reported and destroyed.

Penalty on persons bringing them to market.

such

such animal to be infected with or laboring under any contagious or infectious disorder, shall, upon conviction thereof, forfeit and pay for each and every such offence, a sum not exceeding one hundred dollars.

Penalty for turning out infected animals to pasture.

8. If any person turn out, keep or depasture any animal of any of the kinds mentioned in this Act, infected with or laboring under any contagious or infectious disorder, in or upon any forest, wood, moor, beach, marsh, common, waste land, open field, roadside or other undivided or uninclosed land, such person shall, on conviction thereof, forfeit and pay a sum not exceeding one hundred dollars.

Recorders may hear cases under this Act

9. The Recorder of any city, and those officers having the jurisdiction of a Recorder in the summary administration of criminal justice, shall have power to hear, adjudge and determine upon any complaint made under this Act.

C A P . X V I .

An Act to enable aliens to transmit and take real property in this Province by descent.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it is desirable that aliens should have the right to transmit and to take real estate by descent: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Rights of aliens with respect to the transmission of real estate by descent to be the same as those of natural born subjects.

1. The real estate in any part of this Province of any alien dying intestate, shall descend and be transmitted as if the same had been the real estate of a natural born or naturalized subject of Her Majesty, and every alien shall have the same capacity to take real estate in any part of this Province by descent, as natural born and naturalized subjects of Her Majesty, in the same parts thereof respectively; and this provision shall be construed and have effect as if it had been contained in 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 provisions for the naturalization of aliens*; Provided always, that nothing herein contained shall alter, impair or affect in any manner or way whatsoever, any right or title legally vested in or acquired by any person or persons whomsoever, before the twenty-third day of November, in the year one thousand eight hundred and forty-nine.

12 V. c. 197.

Existing rights saved.

C A P . X V I I .

An Act to secure to Wives and Children the benefit of Assurances on the lives of their Husbands and Parents.

[Assented to 18th September, 1865.]

WHEREAS it is expedient to permit persons to insure their lives for the benefit of their wives and children : Preamble.
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 any person to insure his life for the whole term thereof, or for any definite period, for the benefit of his wife or of his wife and children, or of his wife and some or one of his children, or of his children only or some or one of them, and to apportion the amount of the insurance money, as he may deem proper where the insurance is effected for the benefit of more than one. Persons may insure for the benefit of their wives or children.

2. The said insurance may be effected either in the name of the person whose life is insured, or in the name of his wife, or of any other person (with the assent of such other person) as trustee; and the premium on any policy of insurance hereafter effected under this Act, shall be payable during the whole of the said person's life, or during any lesser period, by annual, half-yearly, quarterly or monthly payments. How insurance may be effected, and premiums payable.

3. It shall be lawful, within one year after the passing of this Act, for any person by writing indorsed upon or attached to any policy of insurance on his life, which may have been effected and issued before the passing of this Act, to declare that such policy and insurance shall be for the benefit of his wife, or of his wife and children, or of his wife or some or one of his children, or of his children only, or some or one of them, and to apportion the amount of the insurance money as he may deem proper, when the insurance is declared to be for the benefit of more than one. Insurances heretofore effected may be indorsed in favour of wives or children.

4. When no apportionment is made in any policy or declaration as aforesaid, all parties interested in the said insurance shall be held to share equally in the same, and when it is stated in such policy or declaration, that the insurance is for the benefit of the wife and children generally or of the children generally without specifying their names, then the word "children" shall be held to mean all the children of the person whose life is insured, living at the time of his death, or whether by any other marriage or not. When no apportionment is made among the children.

Sum so insured not liable to creditors.

5. Upon the death of the person whose life is insured, the insurance money due upon the policy, shall be payable according to the terms of the policy or of the declaration as aforesaid, as the case may be, free from the claims of any creditor or creditors whomsoever.

Act not to effect existing rights.

6. Nothing contained in this Act shall be held or construed to restrict or interfere with the right of any person to effect or assign a policy for the benefit of his wife or children as at present allowed by law, nor shall it affect any assignment of any existing policy made before the passing of this Act, nor any action or proceeding pending, at the time of the passing of this Act, in any Court of law or equity.

C A P. X V I I I .

An Act to amend the Insolvent Act of 1864.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS, it is expedient to amend the Insolvent Act of 1864, in the particulars hereinafter set forth: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Notice by assignee.

1. Every Assignee appointed under a Deed of Assignment shall immediately give notice thereof by advertisement. (Form D, appended to the said Act.)

Voluntary assignments, how made.

2. A voluntary assignment may be made to any official assignee appointed under the said Act, without the performance of any of the formalities, or the publication of any of the notices required by subsections one, two, three and four of section two of the said Act.

Addition to Section 3.

Permitting execution to remain unsatisfied.

Provision in favour of seizing creditor.

3. The following shall be added to, and shall be read and construed as forming part of sub-section *a.* of section three, that is to say: "Or if being a trader, he permits any execution issued against him under which any of his chattels, land or property are seized, levied upon or taken in execution, to remain unsatisfied till within forty-eight hours of the time fixed by the Sheriff or officer for the sale thereof; subject however to the privileged claim of the seizing creditor for the costs of such execution, and also to his claim for the costs of the judgment under which such execution has issued; which shall constitute a lien upon the effects seized, or shall not do so, according to the law as it existed previous to the passing of this Act, in the section of this Province in which the execution shall issue."

Service of Writ of Attachment in U. C.

4. In Upper Canada, if the defendant in any process for compulsory liquidation, absconds from the Province, or remains without the Province, or conceals himself within the Province, service

service of the Writ of Attachment issued against him under the said Act, may be validly made upon him in any manner which the Judge may order, upon application to him in that behalf.

5. If the Sheriff or officer charged with any writ of attachment is unable to obtain access to the interior of the house, store, or other premises of the defendant named in such writ, by reason of the same being locked, barred or fastened, such Sheriff or officer shall have the right forcibly to open the same.

Right of officer to enter forcibly.

6. In proceedings, for compulsory liquidation, concurrent Writs of Attachment may be issued, if required by the plaintiff, addressed to the Sheriffs of districts or counties other than that in which such proceedings are being carried on.

Concurrent Writs of Attachment.

7. No declaration shall hereafter be required in proceedings for compulsory liquidation, and such proceedings shall not be contested either as to form or upon the merits, otherwise than by summary petition, as provided by sub-section twelve of section three of the said Act.

No declaration required in compulsory liquidation.

8. Writs of attachment in proceedings for compulsory liquidation may be made returnable after the expiry of five days from the service thereof, where the defendant resides in this Province, and not more than fifteen miles from the place of return; and one additional day for every additional distance of fifteen miles between such residence, if in this Province, and such place of return.

Delay for return of writs of attachment in compulsory liquidation.

9. The guardian appointed under a writ of attachment shall have the right in his own name, and in his capacity as such guardian—but only after having obtained an order of the Judge to that effect, upon cause shown—to institute any conservatory process that may be necessary for the protection of the estate.

Guardian authorized by judge may institute certain proceedings.

10. If, pending proceedings, for compulsory liquidation, the Insolvent should make a voluntary assignment of his estate and effects, in conformity with the provisions of the said Insolvent Act of 1864 and of this Act, the assignee under such assignment may apply for and obtain from the Judge an order to stay such proceedings, subject to the claim of the plaintiff for payment, out of the estate, of the costs incurred in such proceedings.

If voluntary assignment be made during proceedings for compulsory liquidation.

11. If a writ of attachment issue against any trader, by reason of the neglect of such trader to satisfy a writ of execution against him as hereinbefore provided, and such trader shall petition to set aside such writ of attachment, it shall be sufficient for him to shew upon such petition that such neglect was caused by a temporary embarrassment, and that it was not caused by any fraud or fraudulent intent, or by the insufficiency of the assets of such trader to meet his liabilities.

Trader may shew that his default was occasioned by temporary cause.

Effect of assignment declared.

12. The operation of the seventh sub-section of section two, and of the twenty-second sub-section of section three of the said Act, shall extend to all the assets of the insolvent, of every kind and description, although they are actually under seizure under any ordinary writ of attachment, or under any writ of execution, so long as they are not actually sold by the Sheriff or Sheriff's officer under such writ; this clause shall not apply to any writ of execution now in the hands of the Sheriff; but the rights, liens and privileges of the seizing or attaching creditor, for his costs upon any such writ, shall be the same as they were previous to the passing of this Act, in the section of this Province in which such writ shall issue.

Rights of seizing creditor for cost.

Effect of writ of execution issued before the assignment.

13. No lien or privilege upon either the personal or real estate of the insolvent shall be created for the amount of any judgment debt, or of the interest thereon, by the issue or delivery to the Sheriff of any writ of execution, or by levying upon or seizing under such writ, the effects or estate of the insolvent; unless such writ of execution shall have issued and been delivered to the Sheriff at least thirty days before the execution of a deed of assignment, or the issue of a writ of attachment, under the said Act; but this provision shall not apply to any writ of execution heretofore issued and delivered to the Sheriff, nor affect any lien or privilege for costs which the plaintiff heretofore possessed under the law of that section of the Province in which such writ shall have issued.

Proviso: as to costs.

Lien for rent restricted.

14. The preferential lien of the landlord for rent in Upper Canada is restricted to the arrears of rent due during the period of one year last previous to the execution of a deed of assignment, or the issue of a writ of attachment under the said Act, as the case may be, and from thence so long as the assignee shall retain the premises leased.

Right of appeal extended.

15. The right of appeal granted by sub-section two of section seven of the said Act, is hereby extended, and shall apply to any order of a Judge made upon any of the matters or things upon which he is authorized to adjudicate or to make any order by the said Act, or by this Act; and the delay for applying for the allowance of an appeal, is hereby extended to eight days; and the provisions of the seventh sub-section of the seventh section of the said Act, are hereby extended to all judgments and orders of a Judge which are rendered in Lower Canada under the said Act, or under this Act.

Delay for application to appeal, &c.

Attachment, &c., not to be proceeded with after assignment.

16. No attachment or seizure or sale under execution, of any of the estate or effects of an insolvent shall be issued, made or proceeded with, after an Assignee has been appointed under a Deed of Assignment, or after the issue of a Writ of Attachment in proceedings for compulsory liquidation, as the case may be; but all rights and remedies which might otherwise require to be enforced by such attachment, seizure or sale,

Proviso.

sale, shall be enforced by the Judge upon summary petition, duly signified to the assignee and to parties interested, and by the assignee under the order of the Judge to be made thereon.

17. If, at the time of the issue of a Writ of Attachment, or the execution of a Deed of Assignment, any immovable property or real estate of the insolvent be under seizure, or in process of sale, under any writ of execution or other order of any competent court, such sale shall be proceeded with by the officer charged with the same, unless stayed by order of the Judge upon application by the guardian or assignee, and upon special cause shewn, and after notice to the plaintiff, reserving to the party prosecuting the sale, his privileged claim on the proceeds of any subsequent sale, for such costs as he would have been entitled to be paid by privilege, out of the proceeds of the sale of such property, if made by such officer; but if such sale be proceeded with, the moneys levied therefrom shall be paid over to the assignee for distribution, according to the rank and priority of the claimants thereon, and the officer charged with the execution shall make his return accordingly.

If property of insolvent be under seizure, sale to go on, unless stayed.

Distribution of proceeds of sale.

18. Upon a secured claim being filed, with a valuation of the security, it shall be the duty of the assignee to procure the authority of the creditors at their first meeting thereafter, to consent to the retention of the security by the creditor, or to require from him an assignment and delivery thereof; and if any meeting of creditors takes place without deciding upon the course to be adopted in respect of such security, the assignee shall act in the premises according to his discretion and without delay.

Proceedings when a secured claim is filed.

19. If the security consists of a mortgage upon real estate, or upon ships or shipping, the property mortgaged shall only be assigned and delivered to the creditor, subject to all previous mortgages, *hypothèques* and liens thereon, holding rank and priority before his claim; and upon his assuming and binding himself to pay all such previous mortgages, *hypothèques* and liens, and upon his securing such previous charges upon the property mortgaged in the same manner and to the same extent as the same were previously secured thereon; and thereafter the holders of such previous mortgages, *hypothèques* and liens shall have no further recourse or claim upon the estate of the insolvent.

If the security be a mortgage or hypothec.

20. In any contestation in insolvency being proceeded with before an assignee, the assignee may issue subpoenas requiring the attendance of witnesses, and the production of documents by such witnesses, in the same manner as such subpoenas may be issued by the ordinary courts of law; and any witness so summoned may be punished for disobedience to any such subpoena, by the Judge, upon summary petition, in the same manner as any witness may be punished for disobedience to a subpoena

In contested cases assignee may summon witnesses, &c.

subpoena issued from the court in which the Judge has jurisdiction.

Creditors under \$100 may vote to complete the required proportion in certain cases.

21. If for any purpose it becomes necessary to ascertain the proportion of the creditors of an insolvent who have voted at any meeting or concurred in any act or document, and if it be found that the whole of the creditors holding claims against an insolvent for sums of one hundred dollars and upwards, do not represent the proportion in value of the liabilities of the insolvent subject to be computed in that behalf and required to give validity to such vote, act or document, such proportion may be completed by the votes or concurrence of creditors holding claims of less than one hundred dollars each.

In certain cases, every creditor over \$100 may vote.

22. In the nomination of an assignee, in the granting of an allowance to the insolvent, in the execution of a deed of composition and discharge, in the consent to a discharge, and in every other matter wherein the right of a creditor to vote or act depends upon the amount of his claim, every creditor whose claim amounts to or exceeds one hundred dollars, shall have such right; subject always to the provisions of the said Act respecting the voting and action of secured creditors; and the proportions of creditors so voting or concurring, shall be ascertained by computing all claims entitled so to vote or act.

Proviso.

As to payments made to insolvent in ignorance.

23. Nothing in the said Act contained shall invalidate payment made by a debtor of the insolvent to the insolvent within one week after the execution of a deed of assignment, or of the issue of a writ of attachment, in good faith and in ignorance of the insolvency of his creditor.

How set-off shall apply.

24. The statute of set-off shall apply to all claims in insolvency, and also to all suits instituted by an assignee for the recovery of debts due to the insolvent, in the same manner and to the same extent as if the insolvent were himself plaintiff or defendant, as the case may be, except in so far as any claim for set-off shall be affected by section eight of the Insolvent Act of 1864, treating of fraud and fraudulent preferences.

Affidavits before whom to be taken.

25. Any affidavit requiring to be sworn in proceedings in insolvency, may be sworn before any Commissioner for taking affidavits appointed by any of the Courts of Law or Equity in this Province, or before any Judge of any Court having civil jurisdiction in this Province.

Certain forms substituted for forms under the said Act, &c.

26. The forms A, H, K, N, O and Q to this Act appended, are substituted for and shall be used respectively, instead of the forms A, H, K, N, O and Q appended to the said Act, and the publication thereof in the *Canada Gazette* may be restricted to one language, in the discretion of the person causing such advertisement to be published; and in publishing any notice required

required by the said Act, the form whereof is not given therein, such form will be sufficient as shall intelligibly express the purport of such notice.

27. The provisions of the said Act shall apply to the heirs, administrators or other legal representatives of any deceased person who, if living, would be subject to its provisions, but only in their capacity as such heirs, administrators or representatives, without their being held to be liable for the debts of the deceased, to any greater extent than they would have been if the said Act and this Act had not been passed.

Act of 1864 to apply to heirs, &c., and to what extent.

28. If any creditor of an insolvent, directly or indirectly, takes or receives from such insolvent, any payment, gift, gratuity or preference, or any promise of payment, gift, gratuity or preference, as a consideration or inducement to consent to the discharge of such insolvent, or to execute a deed of composition and discharge with him, such creditor shall forfeit and pay a sum equal to treble the value of the payment, gift, gratuity or preference so taken, received or promised, and the same shall be recoverable by the assignee for the benefit of the estate, by suit in any competent court, and when recovered, shall be distributed as part of the ordinary assets of the estate.

Penalty on creditor accepting consideration for signing deed of composition or discharge.

29. If, after the issue of a writ of attachment in insolvency, or the execution of a deed of assignment, as the case may be, the insolvent retains or receives any portion of his estate or effects, or of his moneys, securities for money, business papers, documents, books of account, or evidences of the debt, or any sum or sums of money, belonging or due to him, and retains and withholds from his assignee, without lawful right, such portion of his estate or effects or of his moneys, securities for money, business papers, documents, books of account, evidences of debt, sum or sums of money, the assignee may make application to the Judge, by summary petition, and after due notice to insolvent, for an order for the delivery over to him of the effects, documents or moneys so retained; and in default of such delivery in conformity with any order to be made by the Judge, upon such application, such insolvent may be imprisoned in the common gaol for such time, not exceeding one year, as such judge may order.

Proceedings if insolvent retains any portion of his effects from the assignee.

Judge's order for delivery.

Imprisonment for default.

30. Whenever under the said Act a meeting of creditors cannot be held, or an application made, until the expiration of a delay named therein, the notices of such meeting or application may be given pending such delay.

As to certain notices under Act of 1864.

FORM A.

Insolvent Act of 1864.

The Creditors of the undersigned are notified to meet at
 in _____, on _____, the _____ day of _____, at
 o'clock, _____, to receive statements of his affairs, and to name
 an Assignee. (*Domicile of debtor and date.*)

(Signature.)

The following to be added to notices sent by Post :

The Creditors holding direct claims, and indirect claims,
 maturing before the meeting, for one hundred dollars each and
 upwards, are as follows : (*names of Creditors and amounts
 due*) and the aggregate of claims under one hundred dollars,
 is \$ _____ . (*Domicile of Debtor and date.*)

(Signature.)

FORM H.

Insolvent Act of 1864.

A. B., Plaintiff.

C. D., Defendant.

A Writ of Attachment has issued in this cause.

(Place.) (Date.)

(Signature.)

Sheriff.

FORM K.

*Insolvent Act of 1864.*In the matter of A. B., (*or A. B. & Co.*) an insolvent.

The undersigned has been appointed Assignee in this matter,
 and requires claims to be filed within two months from this
 date.

(Place.) (Date.)

(Signature.)

Assignee.

FORM N.

Insolvent Act of 1864.

In the matter of A. B., (or A. B. & Co.,) an insolvent.

A dividend sheet has been prepared, subject to objection until the day of , (Date).

Assignee.

FORM O.

Insolvent Act of 1864.

Province of Canada, }
District (or County) of }

In the (name of Court).

In the matter of A. B. (or A. B. & Co.), an Insolvent.

The undersigned has filed a consent by his creditors to his discharge (or a deed of composition and discharge, executed by his creditors), and on the day of next, he will apply to the said Court (or to the Judge of the said Court, as the case may be) for a confirmation thereof.

(Place.) (Date.)

(Signature of Insolvent, or of his Attorney *ad litem*.)

FORM Q.

Insolvent Act of 1864.

Province of Canada, }
District (or County) of }

In the (name of Court).

In the matter of A. B. (or A. B. & Co.), an Insolvent.

On the day of next, the undersigned will apply to the said Court (or the Judge of the said Court, as the case may be) for a discharge under the said Act.

(Place.) (Date.)

(Signature of the Insolvent, or his Attorney *ad litem*.)

CAP. XIX.

An Act granting additional facilities in Commercial Transactions.

[Assented to 18th September, 1865.]

Preamble.

IN amendment of the Act respecting incorporated Banks, forming chapter fifty-four of the Consolidated Statutes of Canada, and of the Act amending the same, passed in the twenty-fourth year of Her Majesty's Reign, chapter twenty-three, and for the purpose of affording additional facilities in commercial transactions: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Banks may take cove-receipts, &c., as collateral security for Bills or notes discounted.

1. Notwithstanding anything to the contrary in the Charter or Act of incorporation of any Bank in this Province, any cove receipt, or any receipt given by a Cove-keeper or by the keeper of any wharf, yard, harbor or other place, for timber, boards, deals, staves or other lumber laid up, stored or deposited, or to be laid up, stored or deposited in or on the cove, wharf, yard, harbour or other place in this Province, of which he is keeper, or any bill of lading or receipt given by a master of a vessel, or by a carrier for timber, boards, deals, staves or other lumber shipped in such vessel or delivered to such carrier for carriage from any place whatever, to any part of this Province or through the same, or on the waters bordering thereon, or from the same to any other place whatever, may, by indorsement thereon, by the owner of or person entitled to receive such timber, boards, deals, staves or other lumber, or his attorney or agent, be transferred to any incorporated or chartered bank in this Province, or to any person for such bank, or to any private person or persons, as collateral security for the due payment of any bill of exchange or note discounted by such bank in the regular course of its banking business, or of any debt due to such private person or persons, and being so indorsed shall vest in such bank or private person, from the date of such indorsement, all the right and title of the indorser, to or in such timber, boards, deals, staves or other lumber, subject to the right of the indorser to have the same re-transferred to him, if such bill, note or debt be paid when due; and in the event of the non-payment of such bill or note or debt when due, such bank or private person may sell the said timber, boards, deals, staves or other lumber, and retain the proceeds, or so much thereof as will be equal to the amount due to the bank or private person upon such bill or note or debt, with any interest or costs, returning the overplus, if any, to such indorser.

Effect of indorsement on such receipts.

Cove-keeper, &c., owning or being entitled to timber, &c., may give a certificate of

2. Where any person engaged in the calling of Cove-keeper, or of keeper of any wharf, yard, harbour or other place, or of master of a vessel or carrier by whom a receipt or bill of lading may be given in such his capacity, as hereinbefore mentioned,

mentioned, for timber, boards, deals, staves or other lumber, is at the same time the owner of or entitled himself (otherwise than in his capacity of Cove-keeper, or of keeper of a wharf, yard, harbour or other place, or of master of a vessel or carrier) to receive such timber, boards, deals, staves or other lumber, any such receipt or bill of lading, or any acknowledgment or certificate intended to answer the purpose of such receipt or bill of lading, given and indorsed by such person, shall be as valid and effectual for the purposes of this Act, as if the person giving such receipt or bill of lading, acknowledgment or certificate, and indorsing the same, were not one and the same person.

the fact and indorse the same.

3. But no timber, boards, deals, staves, or other lumber, shall be held in pledge by such bank or private person, for any period exceeding twelve calendar months; and no transfer of any such receipt or bill of lading shall be made under this Act to secure the payment of any bill, note or debt, unless such bill, note or debt is negotiated or contracted at the same time with the indorsement of such receipt or bill of lading; and further, no sale of any timber, boards, deals, staves or other lumber, shall be made under this Act, until nor unless thirty days' notice of the time and place of such sale shall have been given, by registered letter transmitted through the Post Office, to the owner of such timber, boards, deals, staves, or other lumber prior to the sale thereof; and every such sale shall be made by public auction after notice thereof by advertisement, stating the time and place thereof, for at least eight days consecutively, in at least two daily newspapers published in or nearest to the place where such sale is to be made; and if such place be in Lower Canada, then at least one of such newspapers shall be a newspaper published in the English language, and at least one other of such newspapers shall be a newspaper published in the French language; and in all cases a daily newspaper shall be deemed to be published nearest to a place if no other daily newspaper be published in the same language in or nearer to such place, if in Lower Canada, or if no two other daily newspapers are published in or nearer to such place if in Upper Canada; and if in any place where any such sale by auction is to be made, there be not any newspaper published daily in either language, but some newspaper or newspapers be published there in such language less often than daily, then such advertisement shall also be published in every issue of such local newspaper, or of at least one of such local newspapers, during the time of its being published in daily newspapers.

Timber, &c., not to be held beyond twelve months.

Receipt to indorse when debt is contracted.

Timber, &c., not to be sold without notice to owner.

Sale to be by public auction.

Notice in L. C.

And in U. C.

In places where no newspaper is published.

4. All advances made on the security of any such cove receipt or bill of lading, or receipt, acknowledgment or certificate as aforesaid, shall give and be held to give to the person, bank or other body corporate making such advances, a claim for the repayment of such advances on the timber, boards, deals,

Advance on cove receipts, &c., to give a first lien on timber, &c.

deals, staves or other lumber therein mentioned, prior to and by preference over the claim of any unpaid vendor or other creditor, save and except claims for wages of labor performed in making and transporting such timber, boards, deals, staves, or other lumber, any law, usage or custom to the contrary notwithstanding.

Sections 68, 69 and 70 of Con. Stat. Can. cap. 92, to apply to cases under this Act.

5. The sixty-eighth section of chapter ninety-two of the Consolidated Statutes of Canada "*respecting offences against persons and property*," shall be applicable and shall be applied to all false receipts or documents of the kinds in the first and second sections of this Act mentioned; and any person or persons knowingly giving, accepting, transmitting and using the same, shall be subject to all the pains and penalties imposed by that Act in respect of the receipts therein specified; and the wilfully making any false statement in any such receipt, bill of lading, acknowledgment or certificate, or the wilfully alienating or parting with, or not delivering to the holder or indorser any timber, boards, deals, staves or other lumber mentioned in such receipt, bill of lading, acknowledgment or certificate, contrary to the undertaking therein expressed or implied, shall be a misdemeanor, punishable in like manner as any misdemeanor mentioned in section sixty-eight of the said chapter ninety-two of the said Consolidated Statutes.

If the offence be committed in the name of a firm.

6. If any offence in the last preceding section mentioned, be committed by the doing of anything in the name of any firm, company or copartnership of persons, the person by whom such thing is actually done, or who connives at the doing thereof, shall be deemed guilty of the offence, and not any other person.

C A P . X X .

An Act to amend the Act passed in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, respecting the granting of Charters of Incorporation to Manufacturing, Mining and other Companies.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Act 27, 28 V. c. 23 to apply to companies for constructing Skating Rinks.

1. From and after the passing of this Act, the seventh subsection of the first section of the twenty-third chapter of the Acts passed in the twenty-seventh and twenty-eighth years of the Reign of Her Majesty Queen Victoria, shall be read and construed as if the words "or Skating Rink or Rinks, or Skating Pond or Ponds," were inserted therein after the word "houses,"

“houses,” in the fourth line thereof, and as if the word “recreative” were inserted after the word “scientific” in the fifth line of the said sub-section.

2. The fourth section of the said Act shall be read and construed as if the words “and all subscriptions of shares and payments on account thereof, made prior to the issue of the Letters Patent, shall be as valid and binding upon the subscribers and upon the company as if made subsequently to the issue of the said Letters Patent,” were inserted after the word “with” in the eleventh line thereof.

Sect. 4 of the said Act amended as to subscriptions.

3. The fifth section of the said Act shall be read and construed as if the words, “but the Governor in Council may, at any time on the application of the company, authorize an increase of the Board of Directors to any number not exceeding fifteen,” were inserted after the word “Directors,” at the end of the first sub-section thereof.

Sect. 5 amended; number of Directors.

C A P . X X I .

An Act to amend chapter sixty-three of the Consolidated Statutes of Canada, respecting Joint Stock Manufacturing and other Companies.

[Assented to 18th September, 1865.]

WHEREAS it is desirable that the Act chapter sixty-three of the Consolidated Statutes of Canada, should be declared to have applied to authorize the organization of Companies for the purpose of boring for and using Petroleum: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

Con. Stat. Can. c. 63.

1. Section one of the sixty-third chapter of the Consolidated Statutes of Canada shall apply and the same is hereby declared to have applied to Companies established or to be established for boring and working Petroleum wells.

The said Act to apply to Petroleum Companies.

C A P . X X I I .

An Act to authorize the formation of companies or co-operative associations for the purpose of carrying on, in common, any trade or business.

[Assented to 18th September, 1865.]

WHEREAS it is desirable to make provision in one general law for the establishment and incorporation, in this Province, of societies or associations, to be formed for the purpose

Preamble.

purpose of raising, by voluntary subscriptions of the members thereof, a fund to enable them, as such societies, to carry on or exercise in common any labor, trade or business, or several labors, trades or businesses, except the working of mines, minerals or quarries, and except also the business of banking and insurance: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Seven or more persons may associate themselves together, for co-operative labor, trader, &c.

Provincial Secretary to grant certificate, on compliance with this Act.

1. At any time hereafter, any seven or more persons who may desire to associate themselves together for the purpose of carrying on any labor, trade or business, whether wholesale or retail, except as aforesaid, may make, sign and acknowledge before a Notary Public or Justice of the Peace, and file in the office of the Registrar of the county in which the business of the association is intended to be carried on, together with a duplicate in the office of the Provincial Secretary, a certificate in writing in the form mentioned in the schedule to this Act or to the same effect, and thereupon and upon the filing of the Registrar's certificate as in the sixth section hereinafter mentioned, the Provincial Secretary shall grant his certificate which shall be conclusive evidence that the association mentioned therein has been duly registered, and thereupon the members of such association shall become a body corporate by the name therein described having perpetual succession and a common seal, with power to hold such lands as are required for the convenient management of their business ; and may, by such corporate name, sue and be sued in all courts of justice in this Province.

Identical names not allowed to different companies.

2. No association shall be registered under a name identical with that by which any other existing association has been registered, or so nearly resembling such name as to be likely to deceive the members or the public, and the word "limited" shall be the last word in the name of any association registered under this Act.

Each member's share limited.

3. No member shall be entitled, in any society registered under this Act, to hold or claim any interest exceeding four hundred dollars.

Places where business may be carried on.

4. Any certificate so to be filed may designate any one or more places where the business is to be carried on, but if in separate counties a duplicate must be filed in the registrar's office of each county.

Rules of Society to be framed.

5. Before any society shall commence operations under this Act, they shall agree upon and frame a set of rules for the regulation, government and management of the society, and the rules of every society to be formed under this Act shall contain provisions in respect of the several matters mentioned in the schedule of this Act.

6. Such rules shall, before adoption, be transmitted to the Provincial Secretary for the approval of the Governor General, and if such rules are found in conformity with law, and with the provisions of this Act, and shall be approved by the Governor General, the Provincial Secretary shall give a certificate to that effect in duplicate, and shall forward one to the registrar of the county, and the other to the secretary of the society, and all rules, when so certified, shall be binding on all the members of the society, in the same manner as if they had been inserted in this Act, and upon such rules being so certified and filed the society shall be held to be completely registered and incorporated.

Rules to be transmitted for approval by the Governor and registered.

Approval, &c., to complete incorporation.

7. After such rules shall have been so certified, it shall be lawful for such society, by resolutions, at a meeting specially called for that purpose, to alter, amend, or rescind the same, or any of them, or to make new rules; provided always, that two copies of the proposed alterations, or amendments, and of such new rules, shall be transmitted to the Provincial Secretary for approval as aforesaid, to one of which shall be attached a declaration by the secretary, or one of the officers of such society, that in making the same, the rules of such society respecting the making, altering, amending and rescinding rules, and the directions of the Act in respect thereof, have been duly complied with, and if such alterations, amendments and new rules are found in conformity with law, and shall be approved as aforesaid, the Provincial Secretary shall give to the society a similar certificate to that in the last section mentioned, and forward a copy of such amendments, so certified, to the registrar of the county, and another to the secretary of the society, which shall thereupon become binding on the several members, and all persons claiming under a member.

Alteration of rules.

Alterations must be approved before coming into force: and registered.

8. The capital of the association shall be in shares of such denomination as shall be mentioned in the said rules.

Capital.

9. The share may be payable by instalments not extending beyond twenty per cent at such times and in such manner as may be mentioned in the rules; but no member shall be entitled to draw more than his proportion of interest on the paid up portion of his shares, and shares shall not be transferable; but the members may, from time to time, withdraw, upon such terms as may be specified in the rules.

Payment shares.

10. All elections shall be by ballot, and each member shall be entitled to one vote only.

Elections.

11. In case it shall happen at any time that an election of trustees shall not be made on the day designated in the rules of the association, when it ought to have been made; the association shall not for that reason be dissolved, but it shall be lawful on any other day to hold an election in such manner as shall

Provision in case of failure of any election.

shall be provided for in the rules, or at a general meeting of the members, to be specially called for that purpose, due notice being given of such election as in the rules provided, and all acts of trustees, until their successors shall be appointed, shall be valid and binding.

Every Society to give publicity to its name.

12. Every society registered under this Act, shall paint or affix and shall keep painted or affixed, its name on the outside of every office or place in which the business of the society is carried on, in a conspicuous position in letters easily legible, and shall have its name engraved in legible characters on its seal, and shall have its name mentioned in legible characters in all notices, advertisements and other official publications of such society, and in all cheques and orders for money or goods, purporting to be signed by or on behalf of such company, and in all bills of parcels, invoices, receipts and letters of credit of the society.

Rules to be binding on Society and the members thereof.

13. The rules of every society registered under this Act shall bind the society and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in such rules contained a covenant, on the part of himself, his heirs, executors and administrators to conform to such rules, subject to the provisions of this Act; and all moneys payable by any member to the society, in pursuance of such rules, shall be deemed to be a debt due from such member to the society.

Business to be for cash only.

14. The business of the association shall be a cash business exclusively; no credit shall be either given or taken, and no officer, member or servant of the association, or any number of them together, shall have power to contract any debt whatever in its name, except in respect of rent of the premises required for the business, the salary of clerks and servants, and such like contracts, necessary in the management of the affairs of the society; everything shall be bought and sold for cash only.

Officers to give security.

15. Every person appointed to any office touching the receipt, management or expenditure of money, or with the receipt of goods, wares or merchandize for the purposes of the association, shall, before entering upon the duties of his office, give such security as shall be deemed sufficient by the Trustees, which security shall be varied in amount or renewed from time to time, as the amount of business done, or other circumstances shall, from time to time, in their discretion, be required.

Officers or persons obtaining improper possession of money, &c., or misapplying the same.

16. If any officer, member or other person, being or representing himself to be a member of such society, or the heirs, executors, or administrators of a member thereof, or any person whatsoever, by false representation or imposition, shall obtain possession of any moneys, securities, books, papers or other effects of such society, or having the same in his possession, shall

shall withhold or misapply the same, or shall wilfully apply any part of the same to purposes other than those expressed or directed in the rules of such society or any part thereof, it shall be lawful for any Justice of the Peace, acting in the county or city in which the place of business of such society shall be situated, upon complaint made by any person on behalf of such society, to summon the person against whom such complaint is made to appear at a time and place to be named in such summons, and any two Justices present at the time and place mentioned in such summons, shall proceed to hear and determine the said complaint, and if the said Justices shall determine the said complaint to be proved against such person, they shall adjudge and order him to deliver up all such money, securities, books, papers or other effects to the society, or to repay the amount of money applied improperly, and to pay, if they shall think fit, a further sum of money not exceeding eighty dollars, together with costs not exceeding four dollars; and in default of such delivery of effects, or payment of such amount of money, or payment of such penalty and costs aforesaid, the said Justices may order the said person so convicted to be imprisoned in the common gaol with or without hard labor for any term not exceeding three months; Provided that nothing herein contained shall prevent the said society from proceeding by indictment against the said party; Provided also, that no person shall be proceeded against by indictment, if a conviction shall have been previously obtained for the same offence under the provisions of this Act.

Proceedings in such case.

Penalty.

Proviso.

Proviso.

17. Every dispute between any member or members of any society established under this Act, or any person claiming through or under a member, or under the rules of such society and the trustees, treasurer or other officer thereof, shall be decided by arbitration in manner directed by the rules of such society, and the decision so made shall be binding and conclusive on all parties without appeal.

Disputes to be settled by arbitration.

18. The trustees shall, once in every year transmit to the Provincial Secretary a general statement of the funds and effects of the society, the number of shareholders therein, and such other information as may be requisite to show clearly the position of the society and the business done during the year, which return shall be verified by the affidavit or declaration of the president and manager, and any person signing or making such affidavit or declaration, knowing the same to be in any respect untrue, shall be deemed guilty of perjury and liable to be punished accordingly.

Annual return to Government.

19. In case of the dissolution of any such society, such society shall nevertheless be considered as subsisting, and be in all respects subject to the provisions of this Act, so long and so far as any matters relating to the same remain unsettled, to the intent that such society may do all things necessary to the winding

Winding up of affairs, in case of dissolution.

winding up of the concerns thereof; and may sue and be sued under the provisions of this Act, in respect of all such unsettled matters.

Liability of
shareholders
limited.

20. The liability of the shareholders shall be limited, that is to say: No shareholder in any such society shall be in any manner liable for or charged with the payment of any debt or demand due by the society, beyond the amount of his share or shares subscribed for, and any shareholder having fully paid up the amount of his said share or shares, shall be absolved from all further liability.

CERTIFICATE REFERRED TO IN THE FOREGOING ACT.

PROVINCE OF CANADA, } We (insert names of subscribers not
To Wit: } less than seven) do hereby certify that
we desire to form a company or association pursuant to the provisions of an Act, intituled: *An Act to authorize the formation of Companies or Co-operative Associations for the purpose of carrying on in common any trade or business.*"

Passed on the _____ day of _____

The corporate name of the company is to be (*insert name of the company*) limited"; and the objects for which the company is to be formed are (*insert objects for which company is formed*). The number of shares are to be unlimited, and the capital is to consist of shares of (*insert amount of share*) each, or of such other amount as shall from time to time be determined by the rules of the society. The number of the trustees who shall manage the concerns of the company shall be (*insert number of trustees*), and the names of such trustees for the first year are (*insert names such of trustees*), and the name of the place (or places) where the operations of the said company are to be carried on is, or are (*insert name of place or places where the operations of the said company are to be carried on*.)

On the _____ day of _____, A. D. 186 _____, before me personally appeared (*insert names of subscribers to the certificate*) to me known to be the individuals described in the foregoing certificate, and they severally before me signed the said certificate and acknowledged that they signed the same for the purposes therein mentioned.

Notary Public.

SCHEDULE OF MATTERS TO BE PROVIDED FOR IN THE RULES.

Mode of convening general and special meetings and of altering rules.

Provisions

Provisions for the audit of accounts.

Power and mode of withdrawal of members, and provisions for the claims of executors or administrators of members.

Mode of application of profits.

Appointment of managers and other officers, and their respective powers and remuneration, and provisions for filling vacancies occasioned by death, resignation and other causes.

C A P. X X I I I .

An Act for the further improvement of Grammar Schools in Upper Canada.

[Assented to 18th September, 1865.]

WHEREAS it is expedient to make further provision for the improvement of Grammar Schools in Upper Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. Each city shall, for all Grammar School purposes, be a county; and its Municipal Council shall be invested with all the Grammar School powers now possessed by County Councils; but when, and so long as, the only Grammar School of the County is situated within a city, the Council of such County shall appoint one half of the trustees of such Grammar School.

Cities to be as counties for Grammar School purposes.

County to appoint one half trustees.

2. Each County Council at its first session to be held after the first day of January next, shall select and appoint as Trustees of each Grammar School situated in a town or incorporated village and within its jurisdiction, three fit and proper persons as Trustees of such Grammar School; and the corporation of the town or incorporated village municipality, within the limits of which such Grammar School is or may be situated, shall also at its first session in January next, appoint three fit and proper persons as Trustees of such Grammar School, one of whom, in the order of their appointment, in each case, shall annually retire from office on the thirty-first day of January in each year (but may be re-appointed); and, on the incorporation hereafter of any village in which a Grammar School is established, the county and village council shall at their first meeting in January next thereafter, appoint trustees in like manner as aforesaid for the Grammar School in such incorporated village; and the vacancy occasioned by the annual retirement of trustees, as also any occasional vacancy in their number, arising from death, resignation, removal from the municipality, or otherwise, shall be filled up by such County, town or village Council, as the case may be, provided that the person appointed to fill such occasional vacancy shall hold office only for the unexpired part

Appointment of Trustees by County and Local Municipalities, in which Grammars Schools are situate.

As to villages hereafter incorporated.

Filling vacancies.

of

of the term for which the person whose place shall have become vacant was appointed to serve.

Trustees to be a corporation: powers, &c.

3. The Trustees appointed as aforesaid shall be a corporation, and shall succeed to all the rights, names, powers and obligations conferred or imposed upon Trustees of Grammar Schools by chapter sixty-three of the Consolidated Statutes for Upper Canada, and by this Act.

Grammar School: property vested in Trustees.

4. All property heretofore given or acquired in any municipality and vested in any person or persons, or corporation for Grammar School purposes, or which may hereafter be so given or acquired, shall vest absolutely in the corporation of Grammar School Trustees having the care of the same, subject to such trusts as may be declared in the deed or instrument under which such property is held.

Case of Union of Grammar and Common School Trustees, provided for.

5. In all cases of the union of Grammar and Common School Trustee Corporations, all the members of both Corporations shall constitute the joint Board, seven of whom shall form a quorum; but such union may be dissolved at the end of any year by resolution of a majority present at any lawful meeting of the joint Board called for that purpose; On the dissolution of such union between any Grammar and Common School, or department thereof, the school property held or possessed by the joint Board shall be divided or applied to public school purposes, as may be agreed upon by a majority of the members of each Trustee Corporation; or if they fail to agree within the space of six months after such dissolution, then by the Municipal Council of the city, town or incorporated village within the limits of which such Schools are situated, and, in the case of unincorporated villages, by the County Council.

And case of dissolution of such union.

Condition of share in Grammar School Fund.

6. No Grammar School shall be entitled to share in the Grammar School fund, unless a sum shall be provided, from local sources, exclusive of fees, equal at least to half the sum apportioned to such school, and expended for the same purpose as the said fund.

Basis of apportionment to Grammar Schools.

7. The apportionment payable half yearly to the Grammar Schools shall be made to each School conducted according to law, upon the basis of the daily average attendance at such Grammar School of pupils in the programme of studies prescribed according to law for Grammar Schools; such attendance shall be certified by the Head Master and Trustees and verified by the Inspector of Grammar Schools.

Condition on which a county may have an additional Grammar School.

8. No additional Grammar School shall be established in any county unless the Grammar School fund shall be sufficient to allow of an apportionment at the rate of three hundred dollars per annum to be made to such additional school, without diminishing

diminishing the fund which may have been available for Grammar Schools during the then next preceding year.

9. All differences between Boards of Trustees and Head Masters and Teachers of Grammar or Common Schools in cities, towns and incorporated villages, in regard to salary, sums due, or any other such matter in dispute between them, shall be settled by arbitration according to the provisions of the Common School law relating to such arbitrations; and in cities, towns and incorporated villages the Local Superintendent, (being an officer of the Board concerned, and having no jurisdiction in the case of Grammar Schools,) shall not act as an arbitrator; but in the event of a difference of opinion on the part of the two arbitrators, they shall themselves choose a third arbitrator, and the decision of a majority of the arbitrators thus chosen shall be final.

Differences between Trustees and Masters as to salary, &c., how to be settled.

10. Each of the Grammar School Meteorological stations, at which the daily observations are made, as required by law, shall be entitled to an additional apportionment out of the Grammar School fund, at a rate not exceeding fifteen dollars per month for each consecutive month during which such duty is performed and satisfactory monthly abstracts thereof are furnished to the Chief Superintendent, according to the form and regulations provided by the Department of Public Instruction; but the number and locality of such meteorological stations shall be designated by the Council of Public Instruction with the approval of the Governor in Council.

Additional allowance for meteorological stations.

Number, &c., of such stations, how fixed.

11. After the passing of this Act no person shall be deemed to be legally qualified to be appointed Head Master of a Grammar School, unless he be a graduate of some University within the British Dominions; but any person legally qualified and appointed to be a Head Master in any Grammar School during the year next before the passing of this Act shall be deemed qualified notwithstanding this section.

Qualification of Head Masters.

Exception.

12. It shall be lawful for the Governor in Council to prescribe a course of Elementary Military Instruction for Grammar School pupils, and to appropriate out of any money granted for the purpose, a sum not exceeding fifty dollars per annum to any school, the Head Master of which shall have passed a prescribed examination in the subjects of the military course, and in which school a class of not less than five pupils has been taught for a period of at least six months; such classes and instruction to be subject to such inspection and oversight as the Governor in Council may direct.

Governor in Council may appropriate part of Grammar School allowance, for military instruction.

13. The provisions of the Acts relating to Grammar and Common Schools shall apply to the town of Richmond, in the county of Carleton, the same as to any other towns or incorporated villages.

School Acts to apply to Town of Richmond.

Certificates to
meritorious
Teachers.

14. It shall be lawful for the Council of Public Instruction, with the sanction of the Governor in Council, to make regulations for giving to meritorious Common School Teachers, certificates of qualification which shall be valid in any part of Upper Canada until revoked.

Inconsistent
enactments
repealed.

15. So much of the Grammar and Common School Acts of Upper Canada, as are inconsistent with the provisions of this Act, are hereby repealed.

C A P. XXIV.

An Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to Lands in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :—

Interpretation
clause.

“Instrument.”

1. In the construction of this Act the word “Instrument” shall include every deed, conveyance, mortgage, assignment of mortgage, certificate of discharge of mortgage, assurance, lease, bond, release, discharge, letter of attorney, will, probate of will, grant of administration with the will annexed, municipal road by-law, certificate of proceedings, decree of foreclosure, and every other certificate or decree of the Court of Chancery or of any other Court on its equity side, affecting any interest in or title to land, also, every Sheriff’s deed of lands sold by virtue of his office, and every contract in writing,—and every Commission and proceeding in Lunacy, Bankruptcy and Insolvency,—and every other instrument whereby lands or real estate in Upper Canada may be transferred, disposed of, charged, encumbered, or affected; the word “Land” shall include lands, tenements, hereditaments, appurtenances and real estate; the word “Will” shall include probate of will and exemplification, or notarial copies of probate of will and letters of administration with the will annexed, and any devise whereby lands are disposed of or affected; the word “County” shall include a union of counties, a city, junior county and any part of a county or counties set apart for judicial or registration purposes; the word “Treasurer” shall include Chamberlain of any Municipal Council.

“Land.”

“Will.”

“County.”

“Treasurer.”

Acts repealed
Cón. Stat. U.
C. c. 39.

24 V. c. 41.

2. Chapter eighty-nine of the Consolidated Statutes for Upper Canada, intituled : “An Act respecting the Registration of Deeds, Wills, Judgments, Decrees in Chancery, and other Instruments,” and an Act passed in the twenty-fourth year of Her Majesty’s Reign, chapter forty-one, intituled : “An Act to repeal

repeal the laws relating to the Registration of Judgments in Upper Canada," and an Act chaptered forty-two, passed in the twenty-fourth year of Her Majesty's Reign, intituled: "An Act to amend chapter eighty-nine of the Consolidated Statutes for Upper Canada, respecting the Registration of Deeds and other Instruments," and an Act passed in the twenty-fifth year of Her Majesty's Reign, chapter twenty-one, intituled: "An Act relating to Mortgages in Upper Canada," are hereby repealed, from and after the thirty-first day of December next, and all Acts and parts of Acts repealed by any of the above Acts shall remain repealed; Provided, always, that all registrations, official acts, records, matters and things, done in pursuance of any or either of the said repealed Acts, shall, where they are valid and effectual at the time of the passing of this Act, remain and continue to be valid and effectual to all intents and purposes.

24 V. c. 42.

25 V. c. 21.

From and after
31 Decr., 1865.Saving clause
as to things
done.

3. So much of all other Statutes, parts and clauses of Statutes, as relates to the proof required for, and the mode of, Registration of Instruments and the filing of plans in the County Registry Offices for Upper Canada, is hereby repealed from and after the said thirty-first day of December next.

Parts of other
Acts relative to
Registration,
repealed from
same date.

REGISTRY OFFICES.

4. There shall be a separate Registry Office in every riding, county, union of counties and city in Upper Canada wherein at present a separate Registry Office is established; and whenever any county is separated for judicial purposes from a union of counties; or a new county is formed and set apart for judicial purposes, there shall be a separate Registry Office established therein, by the Governor in Council, which office shall be kept in the county town in like manner as in other county towns.

In and for what
places there
shall be Regis-
try Offices.New counties
or separation of
counties.

5. Whenever in any county or riding, the Registry Office appears to the Governor in Council to be inconveniently situated, he may, by Proclamation, order the same to be removed to any other place in the county or riding.

Place of Re-
gistry Office
may be
removed.

6. For the safe-keeping of all books, memorials, duplicates and other instruments of whatever description, and plans, belonging to the office of Registrar, the council of each and every county where, when this Act takes effect, or at any time thereafter, there are no safe and proper fire-proof offices and vaults provided by such council, or where thereafter any Registry Office may be established, shall provide, furnish and maintain a fire-proof registry office, fire proof vaulted, upon a plan and on a site to be approved of by the Governor in Council, and shall thereafter keep the same furnished and in good repair.

County Coun-
cils to provide
fire-proof offices
and vaults.

7. Every Registry Office shall be kept by an officer to be called the Registrar.

REGISTRAR.

REGISTRAR.

Registrars,
how appointed,
&c.

8. The Governor shall, as occasion may require, from time to time, by Commission, under the Great Seal of the Province, appoint a fit person to the Office of Registrar, and shall, in like manner, fill up any vacancy occurring by the death, resignation, removal or forfeiture of office by any Registrar.

Present Regis-
trars, bonds,
&c., to con-
tinue.

9. Every Registrar in office when this Act takes effect is hereby continued therein, subject to the Laws in force respecting public officers, and to the provisions and requirements of this Act, and all recognizances by Registrars and their sureties in force at the passing of this Act, shall continue in force under this Act.

Security to be
given by Regis-
trars.

10. Before any Registrar is sworn into office, such Registrar and two or more sufficient sureties shall enter into a joint and several recognizance in writing under their hands and seals, to Her Majesty, in a penal sum to be fixed at not less than four thousand nor more than ten thousand dollars, which recognizance shall be approved of by the Governor in Council, and the same shall be taken by any two Justices of the Peace for the County, and shall be conditioned for the true and faithful performance, by the said Registrar or his Deputy, of his duty in the execution of all things directed and required of him by this Act, and such Registrar shall also execute and enter into a joint a several covenant in duplicate with the same or other sureties, which duplicate covenant may be in form appended to this Act, marked A, or to the like effect to which recognizance and to each of which covenants shall be attached an affidavit in the form appended to this Act marked B, or to the like effect, made by each of the obligors and covenanters therein mentioned, and such recognizance and one of such duplicate covenants with the affidavits appended shall be forthwith transmitted to the Provincial Secretary, to be by him retained, and the other duplicate covenant, with the affidavits aforesaid, shall be by such Registrar forthwith filed in the office of the Clerk of the Peace for the County or Union of Counties, where the same shall remain of record ;

Form.

Affidavit.

Where recog-
nizances shall be
kept.

New recogni-
zances may be
required by
Inspector.

A. The Registrar, whether appointed before or after the passing of this Act, may at any time be required by the inspector to execute a new recognizance and covenants in the form and to the effect hereinbefore provided, and to furnish other sureties as may be deemed expedient ;

Copies may be
obtained by any
person.

B. Any person may examine and obtain a copy of the Registrar's covenant and affidavits on payment to the Clerk of the Peace of a fee for such copy and search, of one dollar, or for such search, of twenty-five cents ;

Liability of
Registrars and
their sureties.

C. The said Registrar and his sureties shall be jointly and severally liable on their covenant to any aggrieved person or persons

persons to indemnify him or them against any damage or loss sustained by him or them, by or through the neglect or wilful misconduct of the Registrar or his Deputy in the performance of the duties of his office.

11. Every Registrar, before he enters upon the execution of his office shall, before two or more Justices of the Peace for the County, take the oath given in the form marked C in the Appendix hereto, which shall be transmitted to the Provincial Secretary, together with the recognizance and covenant aforesaid.

Registrar's
oath of office.

12. The Registrar may nominate a Deputy or Deputies in his Office, who may perform all the duties required under this Act, in the same manner and to the like effect as if done by the Registrar, such nomination to be in writing, under the hand of the Registrar; and any Registrar may remove his Deputy and appoint another in his place whenever he may think it necessary; and in case of the death, resignation, removal or forfeiture of office of the Registrar, the Deputy Registrar, or in case of there being more than one, the Senior Deputy Registrar, shall do and perform all and every act, matter and thing necessary for the due execution of the said office, until a new appointment of Registrar is made by the Governor.

Appointment of
deputies.

Removal.

Power of
deputy in case
of death or
removal of
Registrar.

13. Every Deputy Registrar before he enters on the execution of his office shall, before two or more Justices of the Peace for the County, take the oath or an oath to the like effect, appointed to be taken by the Registrar, which shall be filed in the like manner.

Deputy's oath
of office.

14. No Registrar or Deputy Registrar shall, directly or indirectly, act as the Agent of any Corporation, Society, Company, Person or Persons investing money and taking securities on real estate within his County, nor shall such Registrar or Deputy Registrar advise, for fee or other reward, upon titles of land, within his County, upon pain of forfeiture of office; and every Registrar, Deputy or Clerk in such office employed to prepare any instrument affecting land for gain or reward, shall be subject to the same liabilities as Attorneys and Solicitors for neglect or unskilfulness.

Registrars or
Deputies not to
Act as Agents,
or advise as to
titles, &c., in
their counties.

Liability if they
prepare instru-
ments.

DUTIES OF REGISTRARS:

15. Every Registrar shall reside within ten miles of his office, and shall keep his office at the place named in his commission or otherwise as appointed by the Governor in Council, or by any Act in force respecting the same.

Residence of
Registrars.

16. If the Registrar in any manner misconducts himself in his office or neglects to perform his duty in every respect, as required of him by this Act, or commits or suffers to be committed any undue or fraudulent practice in the execution thereof,

Removal for
misconduct.

Liability. thereof, then such Registrar may, at the discretion of the Governor in Council, be dismissed, and he shall, moreover, together with his sureties, so far as their covenant extends, be liable to pay all damages, with full costs of suit, to any person injured thereby, to be recovered by action in any of Her Majesty's Superior Courts of Record; and any Deputy executing the office of Registrar during any vacancy by death, resignation or forfeiture of the Registrar, shall be for the same cause, and in like manner liable.

Hours of attendance at office. **17.** The Registrar or his Deputy shall, for the despatch of all duties belonging to the said office attend as his office from the hour of ten in the forenoon until three in the afternoon, every day in the year except Sunday, New Year's Day, Ash Wednesday, Good Friday, Easter Monday, the Queens Birthday, Christmas day, and every day by Proclamation of the Governor appointed to be held as a general Fast day or Holiday in Upper Canada, and no Instrument shall be registered by him on any such days.

Holidays.

Registrars to make searches and abstracts, on certain conditions. **18.** The Registrar shall, when required, and upon being tendered the legal fees for so doing, make searches and furnish copies and abstracts of or concerning all Memorials, or other Instruments registered, mentioning any lot of land as described in the Patent thereof from the Crown, or any lot, described by number or letter on any registered map or plan, subsequent to the registration of such map or plan, or any part of a lot when the same is clearly described and can be identified in connection with the chain of title, or has been ascertained by actual survey by the party and of and concerning all Wills, Deeds, Orders or other Instruments recorded, as may be requested of him in writing, if a writing be demanded by the Registrar, and shall exhibit the original registered Instrument, and also the books of the office relating thereto when the party desires to make a personal inspection of such books, and shall give certificates of all copies and extracts under his hand of and concerning the parties to any of such documents, or of the witnesses to the same, or any other particulars which may be required.

To exhibit originals of instruments, &c.

To certify copies, &c.

Registrar to have a seal of office and for what purposes. **19.** Every Registrar under this Act shall have a Seal of Office, to be approved of by the Inspector, and on request of any person or persons, body corporate or otherwise, shall furnish an exemplification or certified copy under his hand and seal of office, of any instrument or memorial deposited, registered or filed, and kept in his office as such Registrar, which exemplification or certified copy shall be received as *prima facie* evidence in every Court of Law or Equity in Upper Canada, in the same manner and with the same effect as if the original thereof, in his office, was produced; and no Registrar or Deputy Registrar shall be required to produce any paper in his custody as such Registrar

Not bound to produce papers,

or Deputy Registrar, unless ordered by a Judge of some one of the Courts of Upper Canada, which order shall be produced to the officer issuing the subpoena requiring such production, and shall be by him noted in the margin of such subpoena, and signed by such officer.

except on order of judge.

BOOKS OF OFFICE.

20. The Treasurer of the County or City shall provide a fit and proper Register Book for each Township, reputed Township, City, Town and Incorporated Village, the limits whereof are defined by law, and all Indices and other books required for the business of the said office; and all such Register Books shall be as nearly as may be of the like size and description as those heretofore furnished, and shall continue to be of one uniform size or nearly so; and from the time such books are so provided and received at the Registry Office, the person who holds and executes the office of Registrar, shall keep and cause to be used for that purpose, a separate Register Book for and of each Township, reputed Township, City, Town and Incorporated Village, the limits whereof are defined by law, within the county, for which he holds office; and he shall also keep and cause to be used for that purpose a general Register book for the whole county, in which shall be recorded all wills and instruments in which there is a general devise, conveyance or power affecting lands without local description, and in which book an alphabetical index of the names of all the parties mentioned by name in such instrument shall also be kept; And whenever any Registrar requires a new Register Book, or any other book for the use of his office, the same shall, on his application therefor, be furnished to him by the Treasurer, and all such books so furnished shall be paid for by the Treasurer out of the County or City funds as the case may be; and all such Books so furnished, used and kept, shall be deemed to be the property of Her Majesty for the use and benefit of the public.

County Treasurer to provide proper books, one for each locality in the county.

General Registry book for the whole county, and for what purposes.

New books to be furnished when required.

21. If the Treasurer refuses or neglects to furnish such books within thirty days after such application therefor, the Registrar may provide the same and recover the costs thereof from the Municipality of the County or City so in default.

If the Treasurer neglects to provide books.

22. The Judge of the County Court or Warden of the County shall give a certificate respecting each Registry or other Book so furnished or provided, in the form D, or to the like effect, in the Appendix hereto.

County Judge or warden to certify books.

23. When any County, City, Town, incorporated Village, Township, reputed Township or place, making part of a County wherein a separate Registry Office is or has been kept, is or has been detached from some union or County and set apart for Registration purposes or attached to or made part of another county

Provision when any place is separated from a county, or detached from one county and

attached to another.

Certain books, &c., to be transferred.

county for which a separate Registry Office is also kept, or when a separate Registry Office is established in any County or junior County, according to the provisions of this Act, the Registrar of the County from which such localities are so detached, shall deliver to the Registrar of the County set apart, or of the County whereunto the same is attached, the Registry Book or Books and all other Books and Indices which have been kept according to the statute, exclusively for such County, City, Town, Incorporated Village, Township or reputed Township or place, the original memorials and original duplicates of all deeds, conveyances and wills of, or relating exclusively to, any lands within the same, and all other instruments, and all maps of Cities Towns or Villages within the same, lodged according to law in his office, also a statement of all titles to lands within such detached localities, registered before separate Registry Books were kept for each township or place, which statement shall contain a schedule of all memorials and other registered instruments which are so delivered, and also an exact copy of all memorials and other registered documents affecting such lands which, by reason of their relating to two or more localities cannot be delivered, and such statement shall also contain the same particulars with regard to wills, and shall be accompanied by indices of names, and an index of lots, which shall be considered as a part of the said statement; such Registrar shall also furnish therewith a statement and copy of all wills and other instruments registered in any general Registry Book and shall carefully compare such statement with the original entries in the Register Books in his office, and indorse a certificate to that effect on the statement when furnishing the same; The Registrar receiving such books, and his successors, shall keep the same among the Registry Books of his office, and deal with them, in all respects in like manner as those originally supplied to and kept therein.

Statement to be furnished from general registry book.

Duty of Registrar receiving the same.

Penalty on Registrar refusing to make such transfer, &c.

24. Any Registrar who refuses to deliver such books, plans, duplicates, indices or memorials, as aforesaid, within six months after demand in writing therefor, made upon him by the Registrar entitled to receive the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any Court of Oyer and Terminer and General Gaol Delivery, shall forfeit his office and be liable to a fine, in the discretion of such Court, not exceeding four hundred dollars.

Registrar removed or resigning to deliver up books, &c.

25. In case any Registrar shall have been removed from or shall resign his office, he shall forthwith deliver up all books, plans, instruments, memorials and indices in his possession, as such Registrar, to the person who is appointed Registrar in his stead, or to any other person who may be specially appointed in writing by Her Majesty's Attorney General or Solicitor General for Upper Canada to receive the same, and if such Registrar refuse to do so, the Attorney General or Solicitor General may direct the Sheriff

Sheriff of the county to seize and take immediate possession of the same wheresoever found, and the Registrar so offending shall be liable to a fine, in the discretion of the Court, not exceeding two thousand dollars, and to any term of imprisonment, if the Court think fit to impose it in addition to the fine, not exceeding one year.

26. All Registrars who have received or shall receive from another County original memorials and statements of title therewith, shall, so soon as practicable, after the passing of this Act, make full and complete copies of all such memorials in proper books, and in the same order and relation in which they were originally registered, inserting in the margin of the Registry Books, opposite to each memorial or instrument, the number thereof and the particular time at which such memorial or instrument was originally recorded, as indorsed on the back thereof by the Registrar or his Deputy, at the time of the original registration thereof.

Duty of Registrars receiving original memorials, &c., from another county.

27. Whenever, in any Registry Office, any book from age or use, is becoming obliterated or unfit for future use, the Inspector shall, by directions in writing under his hand, order such book to be re-copied in a book of like description as that required under the twenty-sixth Section of this Act, so far as the same can be deciphered, by examination thereof and of the original memorials relating thereto, which book having the order of such Inspector for the copying thereof, under the hand of the Inspector, inserted at the beginning of the book, and having the affidavit or declaration of the Registrar or his Deputy, at the end of such book, to the effect that such book so copied, is a true copy of the original book of which it purports to be a copy, shall be to all intents and purposes accepted and received as the original book, and as *prima facie* evidence that such copy is a true copy of the original book; every such original book shall, nevertheless, be carefully preserved, notwithstanding a copy thereof shall have been made, and every such Registrar or his Deputy, shall be obliged to make his affidavit or declaration in this section mentioned.

Provision when any book becomes unfit for further use; copy to be made.

Original to be preserved.

28. The Registrar, on and after the first day of January one thousand eight hundred and sixty-six, shall, in a new book to be opened for the purpose, and to be called the "Abstract Index," enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or as defined on any plan of the subdivision of any such land into smaller sections or lots after such plan shall have been filed in the Registry Office, and every instrument registered on and after the said first day of January, one thousand eight hundred and sixty-six, mentioning any such parcel or lot of land or other subdivision, and the names of all persons to each instrument, and the nature of it, (such as a "Will," "Grant," "Lease," "Power of Attorney"), the numbers of registration of all such instruments, and the day, month and year.

After 1st Jan. 1866, each Registrar to make an abstract index, to lots what it shall contain.

To be in form E.

year, of their registry, shall, by the Registrar, in addition to all entries now required, be entered in regular order and rotation under the proper heading of each such separate parcel or lot of land mentioned in such instrument, and the book or books, to be so kept by each Registrar for the purpose of making the said entries, shall be in the form or nearly so of Schedule E, in the appendix hereto.

Also an Index of names for each locality.

29. Every Registrar shall also, for each township, city, town, and incorporated village, keep an Alphabetical Index of names exhibiting in columns the number of each memorial, the names of the different grantors, and the names of the grantees, according to the form of Schedule F of this Act.

After said day, all registrations to be at full length and how.

30. All instruments that may be registered under this Act shall, on and after the first day of January next, be registered at full length, including every certificate and affidavit, excepting certificates by the Registrar accompanying the same, upon and by the delivery to the Registrar of the original instrument where but one is executed, or when such instrument is in two or more original parts, upon and by delivery of one of such parts.

Instruments in two or more parts.

31. In case one of two or more original parts is registered, the Registrar shall endorse upon each of such original parts a certificate of such registration, and such original, so certified, shall be received as *prima facie* evidence of the registration and of the due execution of the same.

Instruments relating to several lots in different localities.

32. When any instrument shall include different lots or parcels of land situated in different municipalities in the same county, it shall only be necessary to furnish one duplicate original of such instrument, and such duplicate original shall be copied into the Registry Book pertaining to any city, town, incorporated village, township, or place wherein any lands therein mentioned are situate, and the Registrar shall make the necessary entries and certificates accordingly.

Indexes to be completed as to Registrations before the 1st Jan., 1866.

33. In order to make every Index required by this Act complete, it shall be the duty of each Registrar in all cases when the abstract or alphabetical indices have not been heretofore kept substantially as herein provided, to enter all the registrations affecting lands, which may have been recorded before the first day of January, one thousand eight hundred and sixty-six, in the same manner and in the like books as provided in the twenty-eighth and twenty-ninth sections.

INSTRUMENTS THAT MAY BE REGISTERED.

What may be so.

34. The following instruments and proceedings may be registered, namely:

Grants, &c.

1. Grants from the Crown, deeds, conveyances, assurances, bonds and agreements for the sale or purchase of land, and all other

other instruments, including sheriffs' deeds of land sold by virtue of their office, of or in any wise affecting, in law or in equity, lands in Upper Canada;

2. Powers of Attorney under which any such Deed, Conveyance, Assurance, Discharge of Mortgage or other Instrument, has been or may be executed; Powers of attorney.

3. Wills and Devises of or affecting any such lands; Wills.

4. Certificates of decrees of foreclosure and all other decrees or proceedings affecting any title or interest in lands; Decrees.

5. Certificates of the filing or dismissal of any Bill, or the taking of any proceedings in Chancery or in a County Court on its equity side, whereby any title to or interest in land may be brought in question; Certificates of proceedings in chancery.

6. Certificates of Satisfaction of Mortgages. Of satisfaction.

7. Certificates of payment of taxes, granted under the corporate seal of the County municipality by the treasurer; Of payment of taxes.

8. And all other Instruments in the first section of this Act mentioned. Others in Sect. 1.

HOW REGISTERED.

35. Grants from the Crown shall be registered by the production thereof to the Registrar, with a true copy sworn to by any person who may have compared the same with the original, such copy to be filed with the Registrar, and all other instruments, excepting wills, shall be registered by the deposit of the original instrument, or by the deposit of a duplicate or other original part thereof with all the necessary affidavits; lists of Marriages received by the Registrar under the seventy-second chapter of the Consolidated Statutes for Upper Canada, shall be registered by filing the same among the records of his office, and recording the same in a book to be kept by him for the purpose. Crown Grants. Other instruments, except wills. List of marriages.

36. Every Will shall be registered at full length by the production of the original will and the deposit of a copy thereof, with an affidavit sworn to by one of the witnesses to the Will, proving the due execution thereof by the testator, or by the production of probate or letters of administration with the will annexed, under the seal of any Court in this Province, or in Great Britain and Ireland, or in any British Province, Colony or possession having jurisdiction therein, and by the deposit of a copy of such probate or letters of administration, with an affidavit verifying such copy. Wills.

37. The Registration of Instruments in full which is provided for by this Act, shall take effect on and after the first day of Registration under present of

laws until 1st
Jan., 1866.

of January next, and until such time, the Registration of all instruments which may be registered under the laws now in force, shall be made in like manner through memorials or by certificate or otherwise as heretofore provided; and all the Acts and parts of Acts relating thereto, and which are intended to be repealed when this Act shall come into force, shall continue and remain in full force until the said first day of January next.

Proof for registration of instruments executed before 1st Jan., 1866, &c.

38. The proof that would have been sufficient for the registration of any Instrument before the passing of this Act, shall be deemed sufficient for the registration hereafter of any such Instrument that may have been executed prior to the first day of January next; but in any such case the Instrument shall be registered at length, and the memorial and affidavit shall be deposited and filed in lieu of an original or duplicate.

PROOF FOR REGISTRATION.

Facts to be proved: affidavit.

39. In the case of an Instrument other than a Will, one of the Witnesses to such Instrument shall swear to the following facts:

1. Setting forth his name, place of residence, and occupation or calling, in full;
2. To the execution of the original and duplicate if any there be;
3. To the place of execution;
4. That he knew the parties to such Instrument, if such be the fact;
5. That he knew such one or more of them, according to the fact;

Affidavit to be registered.

40. The said affidavit shall be made on the said Instrument, and such Instrument and affidavit shall be copied at full length in the Register Book.

When different witnesses see different Grantors execute.

41. When any Instrument is executed by one or more Grantors, but not by all of them, in presence of the same witness or witnesses, and by one or more of the other parties thereto in presence of another witness or other witnesses, then and in such case the witness or one of the witnesses, whether the same be so executed in the same or in different places, shall make an affidavit in accordance with the thirty-ninth section as to each separate and distinct execution of the Instrument.

Before whom to be sworn.

42. Every affidavit made under the authority of this Act shall be made before any of the following persons:

In U. C.

1. If made in Upper Canada, it shall be made before—
The Registrar or Deputy Registrar of the County in which the lands lie,

Or.

- Or, before a Judge of any of the Superior Courts of Law or Equity,
- Or, before any Judge of a County Court within his County,
- Or, before a Commissioner authorized by any of the Superior Courts to take affidavits.

2. If made in Lower Canada, it shall be made before— In L. C.
- A Judge or Prothonotary of the Superior Court or Clerk of the Circuit Court,
 - Or, before a Commissioner authorized by any of the Superior Courts of Common Law for Upper Canada to take affidavits in Lower Canada.

3. If made in Great Britain or Ireland, it shall be made before— In United Kingdom.

- A Judge of any of the Superior Courts of Law or Equity therein,
- Or, before a Judge of any of the County Courts within his County,
- Or, before the Mayor or Chief Magistrate of any City, Borough or Town corporate therein, and certified under the Common Seal of such City, Borough or Town corporate,
- Or, before a Commissioner for taking affidavits in and for the Canadian Courts.

4. If made in any British Colony or possession, it shall be made before— In a British Colony.

- A Judge of a Court of Record,
- Or, before the Mayor of any City, Borough or Town corporate, and certified under the Common seal of such City, Borough or Town,
- Or, before any Notary Public, certified under his official seal,
- Or, if made in the British Possessions in India, before any Magistrate or Collector, certified to have been such under the hand of the Governor of such possession.

5. If made in any Foreign Country, it shall be made before— In a foreign country.

- The Mayor of any City, Borough or Town corporate of such Country, and certified under the Common seal of such City, Borough or Town corporate,
- Or, before any Consul or Vice Consul of Her Majesty resident therein.

Or before a judge of a court of record or a notary public, certified under his official seal.

43. Every witness shall be compellable, when necessary, Witnesses compellable to make affidavit. by order of a Judge of any of the Superior Courts or County Courts, to make affidavit or proof of the execution of any Instrument for the purpose of Registration under this Act; and to do all

all other acts necessary for the same purpose, upon being paid or duly tendered his reasonable expenses therefor.

Affirmation or declaration in certain cases.

44. The proof may be either by affidavit or by affirmation or declaration, when by the law of the Country where such proof is made, an affirmation or declaration may be substituted for an affidavit, and the Registrar shall receive such Instruments so proved without any other or further proof of their due execution.

Parties not to receive affidavits.

Witnesses must have signed as such.

45. None of the persons authorized to take affidavits by this Act shall take any affidavit of the execution of any Instrument, in case he is a party to such Instrument, nor shall any such affidavit of the proof of any instrument executed after the first day of January next, be taken from any witness, unless such witness has subscribed his name in his own handwriting as such witness.

When witnesses are dead or out of the Province.

46. When the Witnesses to any Instrument are dead or are out of this Province, any person who is or claims to be interested in the Registration of the Instrument, may make proof before the Judge of any County Court in Upper Canada, of the execution of such Instrument, and upon a certificate (according to the form G in the appendix hereto) endorsed on such Instrument and signed by such Judge, that the Judge is satisfied by the proof adduced of the due execution of the Instrument, the Registrar shall record such Instrument and Certificate.

Seal of Court or corporation to suffice for registration.

47. The Seal of any court of record or of any Corporation affixed to any Instrument in writing shall, of itself, be sufficient evidence of the due execution of the same by such Corporation, or by the Judge, Registrar, Clerk or officer of the Court, signing the same, for all purposes respecting the registration thereof, and no further evidence or verification of such execution shall be required for the purpose of registry.

Registrar to deliver certified copy of power of attorney registered.

48. When a Power of Attorney or any substitution thereof is registered, the Registrar shall deliver a certified copy or copies of such power or substitution as may be required of him, and of all the documents aforesaid connected with or relating to the same, under his signature and Seal of Office, in which Certificate he shall declare the time, place and other particulars of Registration as in other cases under this Act, and he shall also declare that the copy, which he so delivers, is a true copy of the Power or Substitution, and of all the other documents connected with or relating to the same of which they respectively purport to be copies, and that the originals have been duly deposited in his office according to the Statute in this behalf.

Use and effect of such certified copy.

49. Every such certified copy where the original Power or Substitution is deposited as aforesaid, may be registered in any other Registry Office, by deposit thereof, without production

of the original Power or Substitution, and without proof of any kind, other than the production of the copy so certified as aforesaid.

50. Every such certified copy of a Power of Attorney or Substitution, shall be received in all cases in place of the original as *prima facie* evidence of the original power or substitution, and of its due execution.

To be *prima facie* evidence.

51. Every Notarial copy of any Instrument executed in Lower Canada, the original of which is filed in any Notarial Office according to the law of Lower Canada, and which cannot therefore be produced in Upper Canada, shall be received in lieu of and as *prima facie* evidence of the original instrument and may be registered and treated under this Act, for all purposes, as if it were in fact the original instrument, and such Notarial copy shall be registered without any other or further proof of the execution of the same or of the original thereof.

Notarial copies of instrument executed in L. C. may be registered, &c.

52. In any action at law, or suit in equity, where but for this Act it would be necessary to produce and prove any original instrument in order to establish such instrument and the contents thereof, the party intending to prove any such original instrument may give notice to the opposite party ten days at least before the trial, or other proceeding in which the said proof is intended to be adduced, that he intends at the said trial or other proceeding to give, in evidence as proof of such original instrument, a copy thereof certified by the Registrar under his seal of office, and in every such case the copy so certified shall be sufficient evidence of the original instrument, and of its validity and contents, unless the party receiving such notice does, within four days after such receipt, give notice that he disputes the validity of such original instrument, in which case the costs of producing and proving such original may be ordered by the court or Judge to be paid by any or either of the parties as shall be deemed right.

Certified copies of registered instruments may be used instead of originals, after notice.

Exception.

Costs in such case.

MANNER OF THE REGISTERING.

53. The Registrar or Deputy Registrar of the County in which the lands are situate shall, upon production to him of the original Instrument, duplicate or other original part thereof, together with an affidavit of execution, enter the said Instrument in the Register Book, in the order in which it is received; and he shall file the same with such affidavit of execution; and he shall endorse a certificate on every such Instrument, and shall therein mention the certain year, month, day, hour, and minute in which such Instrument is entered and registered, expressing also in what book the same has been entered, and the number of registration,—and the said Registrar or his Deputy shall sign the said Certificate when so endorsed, which

Copying into Register Book.

Filing away instrument and affidavit.

Certificate and its effect.

certificate

certificate shall be taken and allowed as evidence of such respective registries in all Courts of Record.

Pages, and instruments to be numbered.

54. Every page of the Registry Book and every Instrument entered therein shall be numbered, and the certain year, month, day, hour and minute of registration shall be entered in the margin of the Register Books and shall be endorsed upon the Instrument, and such entry shall be signed by the Registrar or his Deputy.

Filing of Bill, &c., not to be notice, until registered.

55. The filing of any bill, or the taking of any proceedings in the Court of Chancery in Upper Canada, or County Court on its equity side, in which bill or proceeding, any title or interest in lands shall be brought into question, shall not be deemed notice of such bill or proceeding to any person not being a party thereto, unless and until a certificate given by the Registrar, Deputy Registrar or Clerk of the Court, to some person demanding the same, in the form mentioned in the schedule to this Act annexed marked H, shall have been registered in the Registry Office of the County in which such lands are situate; but no such certificate shall be required in any suit or proceeding for foreclosure or sale of a registered mortgage.

Exception.

Registry of sales for taxes.

Other sales under process of Court.

56. Every deed made by a Sheriff or other Officer for arrears of taxes shall be registered within eighteen months after the sale by such Sheriff or other Officer; and all deeds of lands sold under process issued from any of the Courts of Law or Equity in Upper Canada, shall be registered within six months after the sale of such lands, otherwise the parties respectively claiming under any of such sales shall not be deemed to have preserved their priority as against a purchaser in good faith who may have registered his deed prior to the registration of such deed from the Sheriff or other Officer.

Sales for taxes before this Act.

57. All deeds for lands sold for taxes or under process of Law, before the passing of this Act, shall be registered within one year after the passing of this Act, otherwise the parties respectively claiming under any such sales shall not be deemed to have preserved their priority as against a purchaser in good faith who may have acquired priority of registration.

Satisfaction of mortgage how registered.

58. When any registered mortgage shall have been satisfied; the Registrar, on receiving a certificate executed by the mortgagee, or if the mortgage has been assigned, and such assignment registered, then executed by such assignee, or by such other person as may be entitled by law to receive the money and to discharge such mortgage, in the form I, in the Appendix hereto, or to the like effect, executed in the presence of two witnesses and duly proven by the oath of a subscribing witness, in the same manner as herein provided for the proof of other instruments affecting lands, shall register the same and every affidavit attached thereto or endorsed thereon, at full length

length in its proper order, in the Registry Book, and numbering it in like manner as other Instruments are required to be registered and numbered, and also by writing in the margin of the register wherein the said mortgage has been registered, words to the following effect: "See certificate purporting to be a discharge signed by _____, (naming the person who has executed the same)," and "See Registry number _____ of such certificate—Book (stating the same according to the fact)," and to which marginal entry the Registrar shall affix his name, and the same shall be deemed a discharge of such mortgage, and such certificate so registered shall be as valid and effectual in law as a release of such mortgage, and as a conveyance to the mortgagor, his heirs, executors, administrators or assigns of the original estate of the mortgagor.

Entry in margin of Register.

Effect of such registration.

59. In case the mortgagee or any assignee of the mortgagee desires to release or discharge part only of the lands contained in such mortgage, or to release or discharge only part of the money specified in the mortgage, he may do so by deed or by a certificate to be made, executed, proven and registered in the same manner as in cases when the whole lands and mortgage are wholly released and discharged; and such deed or certificate shall contain as precise a description of the portion of lands so released or discharged as would be necessary to be contained in an instrument of conveyance for Registry under this Act, and also a precise statement of the amount or particular sum or sums so released or discharged.

As to release of part only of lands mortgaged.

Portion released to be described.

60. Every certificate of payment or discharge of the mortgage, or of the conditions therein, or of the lands or of any part of the same, or of any part of the money, by the mortgagee, or his assignee, his heirs, executors, administrators or assigns, or any one of them, at whatsoever time given, and whether before or after the time limited by the mortgage for payment or performance, shall be valid, if in conformity with this Act, to all intents and purposes whatsoever, as herein mentioned.

Certificate of payment, &c., to be valid, at whatever time given.

61. All By-laws hereafter to be passed by any Municipal Council, under the authority of which any street, road or highway shall be opened upon any private property, shall before the same becomes effectual in law, be duly registered in the Registry Office of the county where the land is situate, and for the purpose of registration, a duplicate original of such By-law shall be made out certified under the hand of the clerk and the seal of the Municipality, and shall be registered without any further proof; and all By-laws heretofore passed and all orders and resolutions of the Quarter Sessions heretofore passed, under the authority of which any street, road or highway has already been opened upon any private property, may, at the election of any party interested and at the cost and charges of such party or municipality, be also duly registered, upon the production

By-laws hereafter made affecting real estate to be registered, and how.

As to By-laws, &c., heretofore made.

production to the Registrar of a duly certified copy of such by-law under the hand of the municipal clerk and seal of such municipality, or by a duly certified copy of such order or resolution of such Quarter Sessions, given under the hand of the Clerk of the Peace, as the case may be.

EFFECT OF REGISTERING OR OMITTING TO REGISTER.

Unregistered instrument after Crown Grant, to be void against subsequent registered purchaser, &c.

62. After any grant from the Crown of Lands in Upper Canada and Letters Patent issued therefor, every Instrument affecting the lands or any part thereof comprised in such grant shall be adjudged fraudulent and void against any subsequent purchaser or Mortgagee for valuable consideration, unless such instrument is registered in the manner herein directed before the registering of the instrument under which such subsequent purchaser or mortgagee may claim.

Wills not registered within a certain time to be void as against, &c.

63. All Wills or the probates thereof registered within the space of twelve months next after the death of the Devisor, Testator or Testatrix, shall be as valid and effectual against subsequent purchasers and mortgagees, as if the same had been recorded immediately after such death; and in case the devisee, or person interested in the lands devised in any such Will, is disabled from recording the same within the said time by reason of the contesting of such Will or by any other inevitable difficulty without his or her wilful neglect or default, then the registration of the same within the space of twelve months next after his or her attainment of such Will or Probate thereof, or the removal of the impediment aforesaid, shall be a sufficient recording within the meaning of this Act.

Registry to be notice.

64. The registry of any instrument, under this Act, or any former Act, shall, in equity, constitute notice of such instrument, to all persons claiming any interest in such lands subsequent to such registry.

Actual notice.

65. Priority of registration shall in all cases prevail unless before such prior registration there shall have been actual notice of the prior instrument by the party claiming under the prior registration.

As to equitable liens, &c.

66. No equitable lien, charge or interest affecting land shall be deemed valid in any Court in this Province after this Act shall come into operation, as against a registered instrument executed by the same party, his heirs or assigns, and tacking shall not be allowed in any case to prevail against the provisions of this Act.

Tacking.

What leases most be registered.

67. This Act shall not extend to any lease for a term not exceeding seven years, where the actual possession goeth along with the lease; but it shall extend to every lease for a longer term than seven years.

FEES OF REGISTRARS.

68. Every Registrar shall be allowed the following fees Fees. for the following services, and no more :

1. For registering every instrument, other than those here- For registry.
 inafter specially provided for, one dollar ; but in case the same,
 with the necessary entries and certificate, exceeds seven
 hundred words, then at the rate of fifteen cents for each
 additional one hundred words or the fractional part thereof,
 up to fourteen hundred words, and at the rate of ten cents for
 each additional hundred words or fractional part thereof over
 fourteen hundred ; and if the memorial or other instrument If the instru-
 ment includes
 different lots in
 different loc-
 alities.
 embraces different lots or parcels of lands, situate in dif-
 ferent localities in the same county, the registration and copy-
 ing of such, including all necessary entries and certificates
 thereof into the different registry books, shall be considered
 separate and distinct registrations of such instruments, but shall
 be charged for and paid at the rate of fifteen cents for every
 one hundred words, or the fractional part thereof up to fourteen
 hundred, and of all over that, at the rate of ten cents for each
 hundred words or fractional part thereof ;

2. For searching the Registry Books and Indexes relating For searches as
 to title.
 to the title of any lot or part of a lot of land as originally
 patented by the Crown, or as afterwards subdivided into
 smaller lots, shewn by any registered map or plan thereof,
 when not exceeding four references, twenty-five cents, and five
 cents for every additional reference ; but in no case shall a ge-
 neral search into the title to any particular lot, piece or parcel
 of land exceed the sum of two dollars ;

3. For searching, if specially required, the alphabetical index Searching
 Index.
 of names referred to in section twenty-nine as to each name
 in the books of any one township, or other legally defined muni-
 cipality in the county, twenty-five cents ; provided, always, General search.
 that if a general search as to any such name is made throughout
 the county, the aggregate of fees for such search shall not
 exceed one dollar ;

4. For every abstract of title certified by the Registrar con- Abstracts of
 title.
 taining such particulars as the party searching shall require,
 twenty-five cents, and when such abstract exceeds one hundred
 words, fifteen cents for every additional hundred words ; and
 for copies of instruments when required, ten cents for each
 hundred words ;

5. For each certificate furnished by the Registrar, except Certificates.
 those made under subsections one and four of this section,
 twenty-five cents ;

- Filing plans.** 6. For filing of record any plan of town or village lots, including all necessary entries connected therewith, one dollar ;
- Statements under Sects. 23, 26, 27.** 7. For furnishing the statement and copies required under the twenty-third, twenty-sixth, and twenty-seventh sections of this Act, to be paid by the County Treasurer to which any city, town, township, village or place may belong or be attached, the sum of ten cents for every folio of one hundred words contained in such statement so furnished or copy so made ;
- Entering lots under Sect. 33.** 8. For entering for each lot under section thirty-three of this Act the registrations made before the first day of January, one thousand eight hundred and sixty-six, the sum of ten cents for the several entries and reference of each instrument so entered to be paid for in the same manner as provided for in the next preceding subsection ; provided, always, that no fees shall be chargeable in respect of the alphabetical index, and in no case shall the fees chargeable in respect of the abstract index, for any county, exceed in the whole the sum of two thousand dollars ;
- Proviso.**
- Lists of marriages.** 9. For filing and registering each list of marriages delivered to him, under chapter seventy-two of the Consolidated Statutes for Upper Canada, one dollar ;
- Affidavits.** 10. For drawing each affidavit and swearing the deponent thereto, twenty-five cents ; the same fee to be allowed for administering the oath when such only is required ;
- Shewing originals.** 11. For exhibiting in the office each original registered instrument, including search for same, ten cents ;
- Certificates of discharge.** 12. For registering each certificate of payment of mortgage money, and every other certificate excepting certificates provided for in the next subsection, including all entries and certificates thereof, fifty cents ;
- Of payment of taxes.** 13. For registering each certificate of payment of taxes, twenty-five cents ;
- Figures how charged.** 14. In abstracts and certificates where figures are used instead of words to denote dates, numbers and quantities, the same shall be charged as if each number, though composed of several figures, were but one word ;
- Table of fees.** 15. Each Registrar shall keep posted up in some conspicuous place, in his office, a printed schedule of the fees and charges authorized under this Act.
- Pay of Inspector.** **69.** A sum not exceeding two thousand dollars per annum, which shall include all travelling and other expenses, shall be allowed to an Inspector of Registry offices.

70. Should the County Treasurer of any County or City in which a separate Registry Office is established, on the request of the Registrar for the duties performed according to this Act, refuse to pay the fees and allowances for any services required by this Act under sections twenty-three, twenty-six, twenty-seven, and thirty-three, such Registrar may prove the same and recover the same and the costs thereof from the corporation of the County or City in any Court of Record in Upper Canada; and the Inspector's certificate of the amount and of the services rendered shall be *prima facie* evidence of the right to recover.

Recovery of fees from municipal corporations.

Evidence.

71. The Registrar shall not be compelled to register any instrument unless the fees authorized by this Act are first paid thereon.

Fees payable before registration.

72. Every Registrar shall keep a book in which he shall enter all fees and emoluments received by him by virtue of his office, shewing separately the sums received for registering each instrument, and for searches, and for extracts or copies, and shall make a return, under oath, of such fees and emoluments so received to the Governor, annually, on the fifteenth day of January.

Registrars to keep accounts of fees.

Return.

MISCELLANEOUS PROVISIONS.

73. Whenever any land or original town or township lot has been surveyed or subdivided into town or village lots, or other lots so differing from the manner in which such land or lot was surveyed or granted by the Crown, that the same cannot or is not, by the description given of it, easily and plainly to be identified, the person, corporation or company making such survey or subdivision, their heirs, executors, administrators or assigns, agents, attorneys or successors, shall, within three months from the date of every such survey or subdivision, lodge with the Registrar a plan or a map of the same, shewing the number of the Township or Town Lots, and range or concession, the numbers or letters of Town or Village Lots, and names of streets, the measurement and magnetic bearings of each lot on a scale of not less than one inch to every four chains, which plan or map shall besides contain all the requisites mentioned and required in section thirty-nine, chapter ninety-three of the Consolidated Statutes for Upper Canada, and thenceforth the Registrar shall keep an index of the lands described and designated by any number or letter on such map or plan, by the name by which such person, corporation or company designates the same in manner provided by this Act; and all instruments affecting the land or any part thereof, executed after such plan, shall conform thereto, otherwise the same shall not be registered; and in the case of refusal by such person, corporation or company, his or their executors, agents or attorneys, or successors, for two months after demand in writing for that purpose, to lodge the said plan or map when required by any person interested

Registration of plans of division of lands into smaller parcels.

Scale of plan and what to shew.

Duty of Registrar thereafter

Instruments must conform to such plan.

Penalty for refusing such plan for registration.

How recovered.

To what lands this section applies.

interested therein so to do, he or they shall incur a penalty of twenty dollars for each and every calendar month the said map or plan remains unregistered, which penalty may be recovered by any person complaining in any Division Court in the county in which such lands are situated, in like manner as a common debt; and this section shall apply as well to lands already surveyed or subdivided as to those which may hereafter be surveyed or subdivided, subject to the next succeeding section.

When plan must be registered in case of lands subdivided before this Act.

74. In sales of lands under surveys or subdivisions made before the passing of this Act, when such surveys or subdivisions so differ from the manner in which such land was surveyed or granted by the Crown that the parcel so sold cannot be easily identified, the plan or survey shall be registered within six months after the passing of this Act, if the plan or survey is still in existence and procurable for Registration and filing under the next preceding section, and if it is not, a new survey or plan shall be made by and at the joint expense of the persons who have made such surveys or subdivisions, and of all others interested therein, by some duly authorized Provincial Land Surveyor, as nearly as may be according to the proper original survey or subdivision, and the same when so made shall be filed as if under the next preceding section of this Act.

How to be made.

Plan not binding until some sale is made under it: alterations in plan.

75. In no case shall any plan or survey, although filed and registered, be binding on the person so filing or registering the same, or upon any other person, unless a sale has been made according to such plan or survey, and in all cases amendments or alterations of any such plan or survey may be ordered to be made, at the instance of the person filing or registering the same, by the Court of Queen's Bench or Common Pleas, or by the Court of Chancery, or by any Judge of any of the said Courts, or by the Judge of the County Court of the County in which the lands lie, if on application for the purpose duly made, and upon hearing all parties concerned, it shall be thought fit and just so to order, and upon such terms and conditions as to costs and otherwise as may be deemed expedient.

Plans of towns or villages to be registered in certain cases.

76. In each and every case in Upper Canada where any incorporated town or village, or village not incorporated, comprises different parcels of land owned at the original division thereof by different persons, and the same was not jointly surveyed and one entire plan of such survey made and filed in accordance with the seventy-third section, the municipality of the township within which such village is situated, or the municipality of such incorporated town or village, shall upon the written request of the Inspector or of any person interested, addressed to the Clerk of such municipality, immediately cause a plan of such town or village to be made upon the scale provided for under this Act, and to be registered

registered in the Registrar's Office of the County within which such village lies, which map or plan shall have endorsed thereon the certificates of the Clerk and head of the municipality and surveyor; that the same is prepared according to the directions of such municipality, and in accordance with this Act, and to which map or plan the corporate seal of the municipality shall be attached; and the expense attending the getting up and depositing such map or plan shall be paid out of the general funds of the municipality, and in case of the refusal of such municipality to comply with all the requirements of this section within six months next after being required in manner aforesaid so to do, such municipality shall incur the same penalty, and the same shall be recoverable in the same manner as provided in the seventy-third section.

How to be certified.

Expense how paid.

77. In any case when the Registry Books and papers have been heretofore lost or destroyed and the memorials are not forthcoming, upon proof being made to that effect before any Judge of a Court of Record in Upper Canada to the satisfaction of such Judge as evidenced by a certificate under his hand; it shall be lawful for the Registrar for the County where the lands are situate to register the instrument upon production thereof and no further proof shall be required by the Registrar than the original certificate of Registration endorsed on such instrument; and any such instrument shall have priority according to the date of the original certificate, provided always that the instrument shall be filed away by the Registrar and preserved with the records of his office.

Provision for re-registration in case Registry Books or papers are lost or destroyed.

78. No registration of any deed or other instrument heretofore made shall be deemed or adjudged void by reason of the name or names, residence or residences, addition or additions of the witness or witnesses to such deed or instrument being improperly given or described in the registered memorial thereof, or being either in part or altogether omitted from such memorial, or by reason of any clerical error or omission of a formal or technical character therein; and all registrations heretofore effected in separate Registry Books of unincorporated villages, are hereby confirmed, when the Law has been otherwise complied with; and such separate Registry Books shall be taken and held to form a part of the Registry Books of the Municipality of which such unincorporated village forms a part; provided always, that this clause shall not affect any case or cases now proceeding in any of the Courts of Law or Equity in Upper Canada.

Registration heretofore made not to be deemed void for certain defects.

Registration, in books for unincorporated villages.

Proviso.

79. The Provincial Registrar, so soon after the first day of January next, as is practicable, shall furnish to each Registrar a statement containing full descriptions by metes and bounds of all lands theretofore granted by the Crown with the names of the grantees and dates in all cases where a general description such as "North or South half" or "North East or North West

Provincial Registrar to furnish statement of all Crown Grants before 1st Jan, 1866.

And so once every three months maps to be furnished by Commissioner of Crown Lands.

West quarter" has not and cannot be given, and where particular descriptions are requisite to show clearly the parcels as they are required for the abstract indices; and the said Provincial Registrar shall also thereafter once in every three months, furnish to each Registrar a statement containing a list of the names of all persons to whom patents have issued from the Crown for grants of land within the County, since the former statements, and with such general or particular descriptions as the case shall require, and the Commissioner of Crown Lands shall furnish copies of all plans or maps of towns and townships within the same, which have not been already furnished.

False swearing under this Act to be perjury.

80. Any person forswearing himself before any Registrar or his Deputy, or before any Judge, Commissioner, or other person duly authorized to administer an oath in any of the cases aforesaid, and lawfully convicted, shall incur and be liable to the same penalties as if the oath had been taken in any Court of Record in Upper Canada.

Forging certificates, &c., under this Act, to be felony.

81. Any person who forges or counterfeits any certificate by this Act authorized or directed, or any affidavit of the execution of any duplicate original or memorial, or any Instrument whatever mentioned in this Act, shall be deemed guilty of felony, and shall be imprisoned at hard labor in the Penitentiary for any time not less than four years nor more than ten years.

INSPECTOR OF REGISTRY OFFICES.

Appointment of Inspector and his duties.

82. The Governor may, from time to time, appoint an Inspector of Registry Offices, whose duty shall be to make a personal inspection of the building in which each office is kept, and of the books, deeds, memorials and other Instruments in each Registry Office, to see that the proper books have been and are provided, that they are in good order and condition, that the proper entries and registrations are made therein in a proper manner and in due and proper form and order, that the indices are properly kept, and that all the memorials and other instruments are duly endorsed and certified, and preserved, to ascertain that the office is kept duly open at and for the proper times, and that it is at all times duly attended to by the Registrar or his Deputy, to settle on some uniform device for the official seals and to see that the Registrars supply themselves therewith, to inspect the abstract and alphabetical indices when any such have been kept before this Act shall come into force, and to determine whether the same have or have not been substantially and sufficiently kept in accordance with the requirements of section twenty-eight of this Act, and if so to settle the amount of fees chargeable therefor, and to certify the same; also to inspect all new abstract and alphabetical indices and to settle and certify the sums chargeable therefor under this Act; and it shall also be his

Inspection of new Indexes.

his duty to ascertain whether the proper plans required by this Act have been filed in the several Registry Offices, and, when necessary, to enforce the provisions of the law in that respect, and also to report upon any vacancies by death or otherwise, in the offices of Registrar and Deputy Registrar, and he shall inform the Registrar how and in what manner he shall do any particular act or amend or correct whatever he may find amiss, and he shall also ascertain the sufficiency or insufficiency of the sureties for the Registrar, and whether they are living or dead, and he shall report upon all such matters as expeditiously as may be to the Governor for his information and decision.

Reporting vacancies.

Sufficiency or insufficiency of sureties.

§3. This Act may be cited as the "Registration of Titles (Upper Canada) Act;" it shall be deemed a Public Act, and the "Interpretation Act" shall apply thereto.

Short Title of this Act.

§4. The following is the Appendix, and contains the forms referred to in the foregoing sections of this Act.

Appendix.

FORM A.—SECTION 10.

Know all Men by these presents that we, A. B. Registrar of Esq., and C. D. of Esq., and E. F. of Esq., do hereby jointly and severally for our and each of our heirs, executors and administrators, covenant and promise that the said A. B., as Registrar of , shall well, truly and faithfully perform the duties and obligations of his office as such Registrar, and that neither he nor his Deputy shall negligently or wilfully misconduct himself in his said office to the damage of any person or persons whomsoever; nevertheless, it is hereby declared that no greater sum shall be recovered under this covenant against the several parties hereto than the following, that is to say, against the said A. B. in the whole, \$ (the amount fixed by Order in Council) against the said C. D. and E. F., \$, respectively (the amount fixed by Order in Council for each).

In witness whereof we have hereto set our hands and seals this day of A. D. 18

Signed, Sealed and delivered in presence of

FORM B.—SECTION 10.

County of } I, A. B., the obligor (or covenantor) in the
 To wit : } annexed bond (or covenant) named (or one of the
 } sureties in the annexed bond or covenant named)
 make oath, and say as follows :

I am seized and possessed to my own use of real, or real and personal estate in Upper Canada, of the actual value of \$. . . , over and above all charges upon, or incumbrances affecting the same.

Sworn before me at _____, in the County of _____
 this _____ day of _____, A. D. 18 _____

FORM C.

Referred to in the eleventh Section of this Act.

CANADA.

County of } I (*name and describe deponent*), having been
 to wit : } appointed by the Governor to the office of Registrar,
 } in and for the [*name of registration county, &c.*],
 do swear that I will well and truly and faithfully perform and execute all duties required of me, under the laws of this Province, pertaining to the said office, so long as I continue therein, and that I have not given directly or indirectly, nor authorized any person to give any money, gratuity or reward whatsoever for procuring the said office for me.

Sworn before us at _____, the _____ day of _____
 , A. D. 18 _____

A. B., J. P., }
 C. D., J. P. } In and for the said County:

FORM D.

Referred to in the Twenty-second Section of this Act.

This Register contains _____ pages exclusive of index, and is to be used in and for the City [Town, incorporated Village or Township,] of _____, in the County of _____, for the enregistration of memorials, duplicates and other instruments under the provisions of the Act

Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to lands in Upper Canada, and is provided in pursuance of the requirements of the said Statute.

Dated this _____ day of _____, A. D. 18 _____.

A. B., Judge of the County Court of the County of _____
; or, A. B., Warden of the County of _____

FORM G.

Referred to in the forty-sixth Section of this Act.

CANADA.

County of _____) I,
to wit: } Judge of the County Court of the County of _____
certified that I am satisfied from the proof
adduced by (*name the person producing the proof
and state the evidence given*) with the due execution
of the _____ within Instrument, or of the Instrument
whereof the within is a Copy, (Memorial or Dupli-
cate, *as the case may be.*) As witness my hand, at
the _____ day of _____

A. D. 18 _____

A. B.,
Judge of the County of _____

Signed in the presence of _____

A. B.,
Clerk of the County Court of the County of _____

Seal of office.

FORM H.

Referred to in the fifty-fifth Section of this Act.

I certify that in a suit or proceeding in Chancery (*or in the County Court of _____ on its equity side, as the case may be*) between A. B. _____ of _____ and C. D. _____ of _____ some title or interest is called in question in the following lands (*stating them*).

Dated at (*stating date and place*) _____

FORM I.

Referred to in the fifty-eighth Section of this Act.

To the Registrar of the County of _____
 I _____, of _____, do certify that _____ hath
 satisfied all money due on, or to grow due on (or hath satisfied
 the sum of \$ _____) mentioned in a certain mortgage made by
 _____, of _____, to _____, which mort-
 gage bears date the _____ day of _____, A. D. 18 _____,
 and was registered in the Registry Office for the County of _____
 at _____, on _____ day of _____, A. D. 18 _____,
 _____ minutes past _____ o'clock _____ noon, in Liber
 _____ for _____ as No. _____ (*here mention the
 day and date of registration of each assignment thereof, and the
 names of the parties,—or mention that such mortgage has not
 been assigned, as the fact may be*) and that I am the person
 entitled by Law to receive the money, and that such mortgage,
 (or such sum of money as aforesaid, or such part of the lands
 as is herein particularly described), that is to say
 is therefore discharged.

Witness my hand this _____ day _____ of _____ A. D. 18 _____

A. B.

Two Witnesses

A. B.

and

C. D.

of _____
of _____

} *Stating residence and occupation.*

SCHEDULE E.

(Referred to in Section twenty-eight of this Act.)

Township of Yarmouth, Lot No. , in the 1st Concession.

	1	2	3	4	5	6	7	8	9
No. of Instrument	Instrument	Its Date.	Date of Registry.	Grantor.	Grantee.	Quantity of land.	Consideration or amount of Mortgage.		
	Patent.	21st February, 1820.		Crown	John Jones	All of said lot.			
54	B. & S.	10th January, 1835.	11th January, 1835	David Brown and wife.	George Smith.	N. 3.			
72	B. & S.	30th May, 1830	15th May, 1838.	John Jones and wife.	David Brown.	N. 3.			
460	B. & S.	23rd June, 1840	23rd June, 1840	George Smith.	Charles Gates.	N. 3.			
401	M.	Do. do.	Do. do.	Charles Gates and wife.	George Smith.	N. 1/2 con. \$500.			
490	B. & S.	15th October, 1841.	20th October, 1841.	John Jones and wife.	Charles Gates.	S. 3.			
1009	D. M.	23rd June, 1842	1st July, 1842.	George Smith.	Charles Gates.	N. 3.			
2560	B. & S.	25th April, 1855.	1st May, 1856.	Charles Gates and wife.	Alexander Erie	All.			
2875	B. & S.	1st May, 1860.	1st May, 1860.	Alexander Erie.	John McIntosh.	E. 1/2 of the N. 1/2 or N. E. 1/2.			

SCHEDULE F.

Alphabetical Index referred to in Section Twenty-nine.

No. of Memorial.	GRANTOR.	GRANTEE.	No. of Memorial.	GRANTOR.	GRANTEE.
	A.			A.	
1011	Abbott, George	Black, John	1029	Appleton, James	Buck, Peter.
1015	Allen, William	Cook, Edward	1039	Angus, Robert	Cooms, Joseph.
1017	Anderson, James	Smith, Thomas	1056	Anson, William	Whalks, Jane.
	B.			B.	
1004	Bernard, John	Green, Edward	1011	Black, John	Abbott, George.
1020	Burns, Robert	Cassels, George	1070	Benson, Jessie	Crooks, Nelson.
1029	Buck, Peter	Appleton, James	1098	Burrows, Joseph	Hinds, Henry.
	C.			C.	
1039	Cooms, Joseph	Angus, Robert	1015	Cook, Edward	Allen, William.
1048	Coffee, Richard	Ingram, Benjamin	1020	Cassels, George	Burns, Robert.
1070	Crook, Nelson	Benson, Jessie	1118	Castor, Simeon	Philip, Richard.

C A P . X X V .

An Act for quieting Titles to Real Estate in Upper Canada.

[Assented to 18th September, 1865.]

WHEREAS it is expedient to give certainty to the title to real estates in Upper Canada, and to facilitate the proof thereof, and also to render the dealing with land more simple and economical: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Any owner of an estate in fee simple in land in Upper Canada, or any trustee for the sale of the fee simple, shall be entitled to have his title judicially investigated and the validity thereof ascertained and declared; and he shall be so entitled whether he has the legal estate or not, and whether his title is subject or not to any charges or incumbrances.

Owners, &c., in fee simple may obtain judicial investigation of title.

2. Any other person who has any estate or interest, legal or equitable, in or out of land in Upper Canada, may also apply for the investigation of his title and a declaration of the validity thereof; but it shall be in the discretion of the Judge by or before whom the proceedings are taken, to grant or refuse the application for the investigation; and such discretion may be invoked and exercised at any stage of the proceedings, and the decision of the Judge in exercising such discretion shall be subject to appeal like any other decision.

In case of any other estate; investigation to be discretionary with the Judge.

3. The application shall be to the Court of Chancery or any Judge thereof; and may be by a short petition in the form given in the Schedule A.

Form of application and to whom.

4. A certificate by the Registrar of the said Court, of the petition being filed, shall be registered in the Registry Office of the County in which the land lies, and this certificate may be in the form given in Schedule B.

Registry of application.

5. The application shall be supported by the following particulars:

How the application must be supported.

1. The title deeds (if any) and evidences of title relating to the land that are in the possession or power of the applicant;

Title deeds.

2. A certified copy of the memorials of all other registered instruments affecting the land, or of all since the last judicial certificate, if any, under this Act, was given, (as the case may be), up to the time of the registering of a certificate of the petition as provided for by section four;

Registered instruments.

Registrar's
certificate.

3. The certificate of the Registrar of the County in which the land lies, as to bills and proceedings in Chancery or in any County Court on its equity side, relating to the land, and of which a certificate has been registered in his office ;

Statement of
facts.

4. A concise statement of such facts as are necessary to make out the title, and which do not appear in the produced documents ; but no abstract of produced documents shall be required, except on special grounds ;

Proofs of facts.

5. Proofs of any facts which are required to be proved in order to make out the title, and which are not established by the other produced documents, unless the Judge shall dispense with such proofs until a future stage of the investigation ;

Affidavit and
certificate of
counsel, &c.

6. An affidavit or deposition by the person whose title is to be investigated and a certificate of one of his Counsel or Solicitors, to the effect hereinafter respectively mentioned, unless the Judge sees fit, for some special reason, to dispense with the same respectively ;

Schedule.

7. A Schedule of the particulars produced under the preceding six subsections.

What the affi-
davit or depo-
sition of the
applicant
must state.

6. The affidavit or deposition of the person whose title is to be investigated shall state to the effect, that to the best of his knowledge and belief he is the owner of the estate or interest (whatever it is) which is claimed by the petition, subject only to the charges and incumbrances set forth in the petition or in the Schedule thereto, or that there is no charge or incumbrance affecting the land ; that the deeds and evidences of title which he produces, and of which a list is contained in the Schedule produced under the preceding section, are all the title deeds and evidences of title relating to the land that are in his possession or power, and that he is not aware of the existence of any claim adverse to or inconsistent with his own to any part of the land or to any interest therein, or if he is aware of such adverse claim, he shall set forth every such adverse claim, and shall depose that he is not aware of any, except what he sets forth ; and the affidavit or deposition shall also set forth whether any one is in possession of the land, and under what claim, right or title ; and shall state that to the best of the deponent's knowledge, information and belief, the said affidavit or deposition, and the other papers produced therewith, fully and fairly disclose all facts material to the title claimed by the Petitioner, and all contracts and dealings which affect the same or any part thereof, or give any right as against the applicant.

As to adverse
claims or pos-
session, &c.

In certain
cases it may
be dispensed
with or made
by another
person.

7. This affidavit or deposition may, in a proper case, be dispensed with, or may be made by some other person instead of the person whose title is to be investigated, or an affidavit or deposition as to part may be made by the one, and as to part by

by another, at the discretion of the Judge to whom the application is made; and in such case, the affidavit shall be modified accordingly.

8. The certificate of the Counsel or Solicitor shall state to the effect that he has investigated the title and believes the party to be the owner of the estate which the petition claims in the land in question, subject only (if such be the case) to any charges or incumbrances that may be set forth in the Schedule to the petition; (or that he so believes, subject to any condition, qualification or exemption to be set forth in the certificate), and that he has conferred with the deponent on the subject of the various matters set forth in the affidavit or deposition referred to in the preceding two sections, and believes the affidavit or deposition to be true.

What the certificate of Counsel or Solicitor must state.

9. The Judge in investigating the title may receive and act upon any evidence that is now received by any of the Courts on a question of title, and any evidence which the practice of English Conveyancers authorizes to be received on an investigation of a title out of Court; or any other evidence, whether the same be or be not receivable or sufficient in point of strict law, or according to the practice of the English conveyancers, provided the same satisfies the Judge of the truth of the facts intended to be made out thereby.

On what evidence Judge may proceed.

10. The proofs required may be by, or in the form of, affidavits or certificates; or may be given *viva voce*; or may be in any other manner or form that under the circumstances of the case is satisfactory to the Judge in regard to the matters to which the same relate.

Form of proofs.

11. If the Judge is not satisfied with the evidence of title produced in the first instance, he shall give a reasonable opportunity of producing further evidence, or of removing defects in the evidence produced.

Further proof if Judge is not satisfied.

12. Before giving a certificate or conveyance under this Act, the Judge shall direct to be published in the *Canada Gazette*, and if he sees fit in any other newspaper or newspapers, and in such form and for such period or periods as the Judge thinks expedient, a notice either of the application being made, or of the order or decision of the Judge thereon; and the certificate or conveyance shall not be signed or executed until after the expiration of at least four weeks from the first publication of such notice, or such other period as the Judge may appoint.

Judge may order notice to be published.

13. When the Judge is satisfied respecting the title, and considers that the certificate of title can safely be granted without any other notice of application than the published notice so required, he shall grant the certificate accordingly.

Or grant certificate without notice.

Notice to adverse claimant.

14. In case of there appearing to exist any claim adverse to or inconsistent with that of the Petitioner to or in respect of any part of the land, the Judge shall direct such notice as he deems necessary to be mailed to or served on the adverse claimant, his solicitor, attorney, or agent.

Further publication or service of notice.

15. In all cases he may require from time to time any further publication to take place, or any other notice to be mailed or served, that he deems necessary before granting his certificate.

Taxes must have been paid.

16. Before a certificate of title is granted, satisfactory evidence shall be given by certificate, affidavit or otherwise, that all taxes, rates and assessments, for which the land is liable, have been paid, or that all except those for the current year have been paid.

Claims of titles to be presumed to be made with certain exceptions.

17. Every claim of title under this Act shall be presumed to be subject to the following exceptions and qualifications; unless the petition for investigation expressly alleges the contrary :

1. The reservations (if any) contained in the original grant from the Crown ;

2. Any municipal charges, rates or assessments theretofore imposed for local improvements, and not yet due and payable ;

3. Any title or lien which, by possession or improvements or other means, the owner or person interested in any adjoining land has acquired to or in respect of the land mentioned in the certificate ;

4. Any lease or agreement for a lease, for a period yet to run, of not exceeding three years, where there is actual occupation under the same.

But claim may be without exceptions.

18. But if the applicant desires the certificate to declare the title to be free from the said particulars, or any of them, his petition shall so state, and the investigation shall proceed accordingly.

Adverse claimants to file statements.

19. Any person having an adverse claim, or a claim not recognized in the applicant's petition, may at any time before the certificate of title is granted, file and serve on the applicant, his solicitor or agent, a short statement of his claim, which may be in the form set forth in Schedule C.

Verification.

20. This claim shall be verified by an affidavit to be filed therewith.

21. In case of a contest, the Judge may either decide the question of title on the evidence before him, or may refer the same or any matter involved therein to the full Court, or to any mode of investigation which is usual in other cases, or which he may deem expedient, and may defer granting the certificate until afterwards, according as the circumstances of each case render just or expedient.

In case of contest, Judges decide or refer the case.

22. The Judge may, at any stage of the cause, order security for costs to be given by the applicant for a certificate, or by any person making any adverse claim.

Security for costs.

23. The Judge may order costs either as between party and party, or as between solicitor and client, to be paid by or to any person party to any proceeding under this Act, and may give directions as to the fund out of which any costs shall be paid.

Payment of costs.

24. The Petitioner may by leave of the Judge withdraw his application at any time before final adjudication on payment of all costs incurred in the investigation either by himself or by any adverse claimant.

Withdrawal of application.

25. With a view of expediting investigations, and subject to any general orders in this behalf, the Judge, if he sees fit, may refer any petition presented under this Act to the Master or a Deputy Master or any other officer of the said Court, or to any Counsel named by the Judge, and in such case the referee shall proceed as the Judge himself should do under this Act, had the reference not been made, and shall have the same powers.

Petition may be referred to Master or Counsel.

26. The Judge may also refer any title to counsel named by the Judge, for a preliminary report or examination, and may call for the assistance of counsel in any other way and for any other purpose that may tend to the despatch of business under this Act.

Judge may require report of Counsel.

27. The Judge may give one certificate of title, comprising all the land mentioned in the Petition, or may give separate Certificates as to the title of separate parts of the land.

One certificate or several.

28. The certificate of title may be in the form contained in Schedule D to this Act, and shall be under the seal of the Court, and shall be signed by one of the judges and by the Registrar of the Court, and the same and the Schedule (if any) thereto, or a duplicate or counter part of the same, shall be registered in full, both in the Court of Chancery, and in the Books of the Registry Office of the County where the land lies; without any further proof thereof.

Form or certificate of title.

Registry of
certificate.

29. A memorandum or certificate of the registration may be endorsed on the certificate of title or on any counterpart or certified copy thereof thus :—

“Registered in Chancery. 186 . Book
, Page , A. G. Registrar.”

Registered in the Registry Office for the County of
Book , Page , (Date) Registrar,”
and a memorandum or certificate so signed shall be evidence
of the registration mentioned therein.

Effect of certi-
ficate of title.

30. The certificate of title when so sealed, signed and registered, shall be conclusive at law and in equity, and the title therein mentioned shall be deemed absolute and indefeasible, from the day of the date of the certificate, as regards Her Majesty and all persons whatever, subject only to any charges or incumbrances, exceptions or qualifications mentioned therein, or in the Schedule thereto, and shall be conclusive evidence that every application, notice, publication, proceeding, consent and act whatsoever, which ought to have been made, given and done previously to the granting of the certificate, has been made, given and done by the proper parties.

Certified copy
of certificate to
be evidence.

31. After a certificate of title is duly registered, a copy of the certificate, purporting to be signed and certified as such copy, by the Registrar in Chancery, or by the Registrar for the County in which the land lies, shall be admissible evidence of the certificate for all purposes whatsoever, without further evidence of such copy, and without accounting for the non-production of the certificate.

Conveyance by
the Court in
case of Chan-
cery sale.

32. In case of a Chancery sale, the Court of Chancery, if it thinks fit, may investigate the title with a view to granting an indefeasible title, and in that case, a conveyance executed to the purchaser under the seal of the Court and purporting to be under the authority of this Act, shall have the same conclusive effect as a certificate.

Form.

33. The conveyance may be in the form set forth in Schedule E to this Act.

When an inde-
feasible title is
contracted for.

34. Where a decree is made for the specific performance of a contract for the sale of an estate, and it is part of the contract that the vendor shall have an indefeasible title, the Court shall make the like investigation, and the conveyance may be in the form set forth in the same Schedule E.

Right to judi-
cial investiga-
tion of some
fact, which

35. In case any person domiciled in Upper Canada, or claiming any real estate in Upper Canada, desires to establish, not his title to some specific property, but generally that

that he is the legitimate child of his parents, or that the marriage of his father and mother, or of his grandfather and grandmother, was a valid marriage, or that his own marriage was a valid marriage, or that he is the heir, or one of the co-heirs of any person deceased, or that he is a natural born subject of Her Majesty, he may, if the said Court thinks fit, have any of the said matters judicially investigated and declared.

may affect a title.

36. The application may be by a short petition stating the object of the application.

Application.

37. The petition shall be supported by an affidavit of the applicant verifying the statements of the petition, and stating further that his claim is not disputed or questioned by any person; or if his claim is to his knowledge disputed or questioned, he shall set forth the facts in relation to such dispute or question, and shall depose that he is not aware of any dispute or question except what he has set forth, and he shall state in the affidavit such other facts as may satisfy the Court of the propriety of proceeding with the investigation.

How the petition must be supported.

38. The investigation shall be made by the same judicial authority, and in the same manner, and on the same evidence, and the same publication or other notice shall be required, and the same proceedings generally shall be had, and the certificate granted on such investigation shall be registered in the same way, and may be proved by the same evidence, as nearly as may be respectively, as in cases under the first section of this Act.

Investigation, proof, &c., in such case.

39. This certificate when registered shall be conclusive and indefeasible in favor of the party on whose application the same was granted, and all persons claiming by, from, through or under him, and shall be *prima facie* evidence in favor of all other persons, and against all persons of the truth of the fact therein declared.

Effect of certificate.

40. A separate book shall be kept in Chancery for the registering of these and other certificates of title, and conveyances given under this Act, and the certificates and conveyances registered therein shall be numbered in order, and convenient indexes to the book shall be kept in such form as the Court from time to time directs.

Register to be kept.

41. In case any person who, if not under disability, might have made any application, given any consent, or done any act, or been party to any proceeding under this Act, is a minor, an idiot or a lunatic, the guardian of the minor, or committee of the estate of the idiot or lunatic, may make such application, give such consent, do such act and be party to such proceeding as such person might, if free from disability, have made, given, done or been party to, and shall otherwise represent such

Where any party is a minor, lunatic, &c.

person for the purposes of this Act; and if the minor has no guardian, or the idiot or lunatic no Committee of his estate, the Court or Judge may appoint a person with like power to act for the minor, idiot or lunatic; but a married woman shall, for the purposes of this Act, be deemed a feme-sole.

Married women.

Reinvestigation at the instance of any party aggrieved.

42. After a certificate is granted in regard to any of the matters investigated under this Act, any party aggrieved thereby may, on petition, and after satisfactorily accounting for his delay, have the title or claim re-investigated on such terms as may be just.

But those who have purchased, &c., in the mean time not to be affected.

43. But no proceeding on such petition shall affect the title of any person who, in the meantime, and after the registration of the certificate, shall have acquired, by sale, mortgage or contract, for valuable consideration, any estate or interest in the land specified in the certificate of title; or (in case the certificate was under the thirty-fifth section of this Act,) in any land or other property, the title to which was derived from, through or under the person named in the certificate, in the character which is thereby declared to belong to him.

Proceedings not abated by certain events.

44. Proceedings under this Act shall not abate or be suspended by any death or transmission or change of interest, but in any such event the Court or Judge may require notices to be given to persons becoming interested, or may make any order for discontinuing, or suspending, or carrying on the proceedings, or otherwise in relation thereto, as under the circumstances may be just.

Proceedings not void for want of form.

45. No petition, order, affidavit, certificate, registration or other proceeding under this Act shall be invalid by reason of any informality or technical irregularity therein, or of any mistake not affecting the substantial justice of the proceeding.

Appeals.

46. An appeal shall lie from any order or decision of a Judge under this Act to the full Court, and from the full Court to the Court of Error and Appeals, as in the case of Orders, Decrees, Rules and Judgments, in suits.

How this Act shall be construed.

47. The foregoing provisions of this Act shall be so construed and carried out, as to facilitate, as much as possible, the obtaining of indefeasible titles by the owners of estates in land, through the simplest machinery, at the smallest expense, and in the shortest time, consistent with reasonable prudence in reference to the rights or claims of other persons.

Punishment of persons obtaining certificates under this Act by fraud.

48. If in the course of any proceeding under this Act, any person acting either as principal or agent, shall, knowingly and with intent to deceive, make, or assist or join in or be privy to the making of, any material false statement or representation, or suppress,

suppress, conceal or assist or join in or be privy to the suppressing, withholding or concealing from the Court any material document, fact or matter of information, every person so acting shall be deemed to be guilty of a misdemeanor, and on conviction shall be liable to be imprisoned in the Provincial Penitentiary for a term not exceeding three years, and not less than two years, or to be imprisoned in any other prison or place of confinement for any term less than two years, and in the latter case with or without hard labor, or to be fined such sum as the Court by which he is convicted shall award; any order or declaration of title obtained by means of such fraud or falsehood, shall be null and void for or against all persons other than a purchaser for valuable consideration without notice.

Certificate to be void.

Exception.

49. If in the course of any proceeding before the Court, under this Act, any person shall fraudulently forge or alter, or assist in forging or altering, any certificate or other document relating to such land or the title thereto, or shall fraudulently offer, utter, dispose of or put off any such certificate or other document, knowing the same to be forged or altered, such person shall be guilty of felony, and upon conviction shall be liable, at the discretion of the Court by which he is convicted, to be imprisoned in the Provincial Penitentiary for life, or for any term not less than three years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years, and in the latter case with or without hard labor.

Forging or fraudulently altering certificate, &c., to be felony.

Punishment.

50. No proceeding or conviction for any act hereby declared to be a misdemeanor, shall affect any remedy which any person aggrieved by such act may be entitled to, either at law or in equity, against the person who has committed such act.

Conviction not to affect other remedy.

51. Nothing in this Act shall entitle any person to refuse to answer any question or interrogatory in any civil proceeding in any Court of law or equity, but no answer to any such question or interrogatory shall be admissible in evidence against such person in any civil proceeding.

As to obligation to answer interrogatories.

52. The said Court may, from time to time, make general orders for referring all or any applications under this Act, to any master, deputy master or other officer of the court, or to any Counsel or other person appointed by the Court in that behalf, and to regulate the fees to be paid on such reference, and the referee shall have the same powers as a Judge within the limits prescribed by such general orders; and the Court may also, from time to time, make other general orders for the purposes of this Act, and for regulating the practice under the same; and all general orders made in pursuance of this section may from time to time be rescinded or altered by the said Court.

Court may make general orders for carrying out this Act.

SCHEDULE A.

IN CHANCERY-

Form of Petition for the Investigation, Sect. 3.

In the matter of (the East half of lot No. in the
*Concession in the Township of or as the case may
 be, describing the property very briefly.*)

To the Honorable, the Judges of the Court of Chancery.

The Petition of

SH EWETH,—

That your Petitioner is absolute owner in fee simple in possession (or as the case may be,) of the following property (describing it.)

That there is no charge or other incumbrance affecting your Petitioner's title to the said land, (except, &c., or,—that your Petitioner's title is subject only to the charges or incumbrances in the schedule hereto mentioned, and that the only persons having or claiming any charge, incumbrance, estate, right or interest in the said land are set forth in the schedule hereto annexed, and that the charge, incumbrance, estate, right or interest belonging to or claimed by each is therein set forth.) Your Petitioner therefore prays that his title to the said land may be investigated and declared under the Act for quieting titles to real estate in Upper Canada.

(Signed,)

A. B.

or

C. D., Solicitor for A. B.

SCHEDULE B.

Form of Registrar's Certificate of an Application under this Act, Sect. 4.

I certify that an application has been made by to the Court of Chancery, under the Act for quieting titles to real estate in Upper Canada, for a certificate of title to the following lands [stating them.]

ALEX. GRANT,
Registrar.

SCHEDULE

doth hereby grant unto A. B., &c., [here describe the premises sold] to hold the same unto the said his heirs and assigns for ever, (or as the case may be,) subject to [here specify as in the case of a Chancery certificate of title.]

In Witness whereof, [Chancellor, or one of the Vice-Chancellors of the said Court,] has hereunto set his hand, and the seal of the said Court has been hereto set, this day of _____, in the year of Our Lord,

A. GRANT,
Registrar.

C. D

L. S.

C A P. XXVI.

An Act to declare valid certain Sales of Lands in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

13, 14 V. c. 67
cited.

WHEREAS by an Act passed in the Session of Parliament held in the thirteenth and fourteenth years of Her Majesty's Reign, chapter sixty-seven, intituled: *An Act to establish a more equal and just system of Assessment in the several Townships, Villages, Towns and Cities in Upper Canada*, it was amongst other things enacted that certain lands upon which any taxes should remain unpaid on the first day of January, one thousand eight hundred and fifty-one, or so much thereof as should be sufficient to discharge such taxes, with interest and costs, should be sold by the Sheriff or High Bailiff in manner in and by the said Act particularly mentioned and set forth; And whereas it was further provided by the said Act that the owner of any such lands, so sold as aforesaid; might redeem the same within three years from the day of sale, and in case the same should not be so redeemed within that period, then that the Sheriff or High Bailiff, at any time after the expiration of that period, should execute and deliver a deed of sale of such land to the purchaser, his heirs and assigns;

Recital.

Sales of land
or taxes.

And whereas, under the provisions of the said Act, various lands, upon which taxes were unpaid as aforesaid, were, in the year one thousand eight hundred and fifty-two, sold by various Sheriffs of Counties in Upper Canada; which lands were never redeemed by the owners, according to the provisions of the said Act;

Repeal of the
said Act.

And whereas, after such sales were made, and before the said period for the redemption thereof had expired, that is to say, on the fourteenth day of June, one thousand eight hundred and fifty-three, a certain other Act was passed (sixteenth Victoria, Chapter one hundred and eighty-two), which took effect on the first day of January, one thousand eight hundred and
fifty-four,

fifty-four, whereby the said first-mentioned Act (thirteenth and fourteenth Victoria, chapter sixty-seven), was repealed, and no provision was made thereby for completing the sales made under the authority of the said first mentioned Act;

And whereas, in many cases, the lands sold under the said first-mentioned Act have never been redeemed, and the purchasers thereof have obtained deeds thereof from the respective Sheriffs, and gone into possession thereof, and made valuable improvements thereon;

Non-redemption of lands sold.

And whereas it has been decided and adjudged that by reason of the repeal of the said first mentioned Act, before the expiration of the period allowed for the redemption of such lands, and before the execution by the Sheriff to the purchaser, of a deed of the same, the title of such purchaser is defective, and unless a remedy be provided much loss and injury will be sustained by innocent purchasers; and it is expedient to provide a remedy in that behalf;

Doubt stated as to title of purchasers.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows :

1. In all cases where lands were legally sold for taxes under the authority of the said first mentioned Act, and not redeemed within the period by that Act limited in that behalf, and the purchaser or those claiming under him shall have gone into actual possession, such sales shall be and are hereby declared legal and binding upon all parties concerned, and all deeds executed or that may be executed by the Sheriff for conveying such lands to the respective purchasers thereof, shall be held to be legal and valid, anything in the said Statute secondly hereinbefore mentioned or any other Statute or law to the contrary notwithstanding.

Sales of land for taxes under repealed Act declared valid when purchaser has taken possession.

2. In all cases where the purchaser at such sales, or those claiming under him, shall not have gone into actual possession of the lands sold, the owner of such last mentioned land may redeem the same within one year from the passing of this Act by paying the amount of the taxes for which the lands were sold and the costs of the sale, and ten per cent. interest thereon, together with all taxes that may have been paid by the purchaser or his assigns, and ten per cent. interest thereon—and in default thereof such last mentioned sales are hereby declared to be legal and binding upon all parties concerned, and all deeds executed or that may be executed by the Sheriff for conveying such last mentioned lands to the respective purchasers thereof shall be held to be legal and valid.

When the purchaser has not taken possession, owner may redeem within one year: otherwise sale to be valid.

C A P. X X V I I.

An Act to amend the Act respecting Short Forms of Mortgages in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Schedule 2 of Act, 27, 28 V. c. 31 amended.

1. The form of words numbered six in column number one of the second schedule of the Act passed at the Session of the Parliament of Canada, held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter thirty-one, intituled : *An Act respecting Short Forms of Mortgages in Upper Canada*, is hereby amended, by substituting the word "Mortgagee" for the word "Grantee" therein.

Further amendment of the said Schedule.

2. The form of words numbered fourteen in column number two of the second schedule of the English version of the said Act, is hereby amended, by striking out the word "or" after the word "assigns" in the twenty-third line of such form of words, and substituting therefor the word "of."

Further amendment of the said Schedule.

3. The form of words numbered fifteen in column number one of the second schedule of the said Act, is hereby amended, by substituting the word "Mortgagee" for the word "Mortgagor" therein.

C A P. X X V I I I.

An Act to amend the law of property and Trusts in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

LEASES.

Restriction on effect of license contained in lease, &c., Imp. Act 22, 23 V., c. 35, s. 1.

1. Where any license to do any act which, without such license, would create a forfeiture, or give a right to re-enter, under a condition or power reserved in any lease heretofore granted, or to be hereafter granted, shall at any time after the passing of this Act, be given to any lessee or his assigns, every such license shall, unless otherwise expressed, extend only to the permission actually given, or to any specific breach of any proviso or covenant made or to be made, or to the actual assignment, under-lease, or other matter thereby specifically authorized to be done, but not so as to prevent any proceeding for any

any subsequent breach (unless otherwise specified in such license); and all rights under covenants and powers of forfeiture and re-entry in the lease contained, shall remain in full force and virtue, and shall be available as against any subsequent breach of covenant or condition, assignment, under-lease, or other matter not specifically authorized or made dispensable by such license, in the same manner as if no such license had been given and the condition or right of re-entry shall be and remain in all respects as if such license had not been given, except in respect of the particular matter authorized to be done.

2. Where in any lease heretofore granted or to be hereafter granted, there is or shall be a power or condition of re-entry on assigning or underletting or doing any other specified act without license, and a license at any time after the passing of this Act shall be given to one of several lessees or co-owners to assign or underlet his share or interest, or to do any other act prohibited to be done without license, or shall be given to any lessee or owner, or any one of several lessees or owners to assign or underlet part only of the property, or to do any other such act as aforesaid in respect of part only of such property such license shall not operate to destroy or extinguish the right of re-entry in case of any breach of the covenant or condition by the co-lessee or co-lessees or owner or owners of the other shares or interests in the property, or by the lessee or owner of the rest of the property, (*as the case may be*), over or in respect of such shares or interests or remaining property, but such right of re-entry shall remain in full force over or in respect of the shares or interests or property not the subject of such license.

Restricted operation of partial licenses.
Imp. Act 22, 23 V., c. 35, s. 2.

3. Where any actual waiver of the benefit of any covenant or condition in any lease, on the part of any lessor, or his heirs, executors, administrators, or assigns, shall be proved to have taken place after the passing of this Act in any one particular instance, such actual waiver shall not be assumed or deemed to extend to any instance or any breach of covenant or condition other than that to which such waiver shall specially relate, nor to be a general waiver of the benefit of any such covenant or condition, unless an intention to that effect shall appear.

Actual waiver not to extend further than to the particular instance mentioned, and not to be deemed a general waiver.
Imp. Act 23, 24 V., c. 38, s. 6.

4. Where the reversion upon a lease is severed, and the rent or other reservation is legally apportioned, the assignee of each part of the reversion shall, in respect of the apportioned rent or other reservation allotted or belonging to him, have and be entitled to the benefit of all conditions or powers of re-entry for non-payment of the original rent or other reservation, in like manner as if such conditions or powers had been reserved to him as incident to his part of the reservation in respect of the apportioned rent or other reservation allotted or belonging to him.

Apportionment of condition of re-entry in certain cases.
Imp. Act 22 and 23 V. c. 35, s. 3.

POLICIES OF INSURANCE.

Relief against forfeiture for breach of covenant to insure in certain cases. Imp. Act 22 and 23 V. c. 35, s. 4.

5. The Court of Chancery shall have power to relieve against a forfeiture for breach of a covenant or condition to insure against loss or damage by fire, where no loss or damage by fire has happened, and the breach has, in the opinion of the Court, been committed through accident or mistake, or otherwise without fraud or gross negligence, and there is an insurance on foot at the time of the application to the Court, in conformity with the covenant to insure, upon such terms as to the Court may seem fit.

When relief is granted the same to be recorded. Imp. Act 22 and 23 V., c. 35, s. 5.

6. The Court, where relief shall be granted, shall direct a record of such relief having been granted to be made by endorsement on the lease or otherwise.

Lessor to have benefit of an informal insurance. Imp. Act 22 and 23 V., c. 35, s. 7.

7. The person entitled to the benefit of a covenant on the part of a lessee or mortgagor to insure against loss or damage by fire, shall, on loss or damage by fire happening, have the same advantage from any then subsisting insurance relative to the building or other property covenanted to be insured, effected by the lessee or mortgagor in respect of his interest under the lease or in the property, or by any person claiming under him, but not effected in conformity with the covenant, as he would have from an insurance effected in conformity with the covenant.

Protection of purchaser against forfeiture under covenant for insurance against fire in certain cases. Imp. Act 22 and 23 V. c. 35, s. 8.

8. Where on the *bonâ fide* purchase, after the passing of this Act, of a leasehold interest under a lease containing a covenant on the part of the lessee to insure against loss or damage by fire, the purchaser is furnished with the written receipt of the person entitled to receive the rent, or his agent, for the last payment of the rent accrued due before the completion of the purchase, and there is subsisting at the time of the completion of the purchase, an insurance in conformity with the covenant, the purchaser or any person claiming under him, shall not be subject to any liability by way of forfeiture or damage or otherwise, in respect of any breach of the covenant committed at any time before the completion of the purchase, of which the purchaser had not notice before the completion of the purchase; but this provision is not to take away any remedy which the lessor or his legal representatives may have against the lessee or his legal representatives for breach of covenant.

To what leases the preceding provisions shall apply. Imp. Act 22 and 23 V., c. 35, s. 9.

9. The preceding provisions shall be applicable to leases for a term of years absolute, or determinable on a life or lives, or otherwise, and also to a lease for the life of the lessee or the life or lives of any other person or persons.

RENT CHARGES.

Release of part of land charged

10. The release from a rent-charge of part of the hereditaments charged therewith shall not extinguish the whole rent-charge,

charge, but shall operate only to bar the right to recover any part of the rent-charge out of the hereditaments released, without prejudice, nevertheless, to the rights of all persons interested in the hereditaments remaining unreleased, and not concurring in or confirming the releases.

not to be an extinguishment of the charge on the rest, &c. Imp. Act 22 and 23 V., c. 35, s. 10.

POWERS.

11. A deed hereafter executed in the presence of, and attested by two or more witnesses in the manner in which deeds are ordinarily executed and attested, shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by deed or by any instrument in writing, not testamentary, notwithstanding it shall have been especially required that a deed or instrument in writing, made in exercise of such power, should be executed or attested with some additional or other form of execution or attestation or solemnity; Provided always, that this provision shall not operate to defeat any direction in the instrument creating the power, that the consent of any particular person shall be necessary to a valid execution, or that any act shall be performed in order to give validity to any appointment, having no relation to the mode of executing and attesting the instrument; and nothing herein contained shall prevent the donor of a power from executing it conformably to the power, by writing or otherwise, than by an instrument executed and attested as an ordinary deed, and to any such execution of a power, this provision shall not extend.

Mode of executing powers.

Proviso: not to defeat certain directions. Imp. Act 22 and 23 V. c. 35, s. 12.

12. Where, under a power of sale, a *bona fide* sale shall be made of an estate, with the timber thereon, or any other articles attached thereto, and the tenant for life, or any other party to the transaction, shall by mistake, be allowed to receive for his own benefit a portion of the purchase money or value of the timber or other articles, it shall, be lawful for the Court of Chancery, upon any bill or claim or application in a summary way, as the case may require or permit, to declare that upon payment by the purchaser or the claimant under him, of the full value of the timber and articles at the time of sale, with such interest thereon as the Court shall direct, and the settlement of the said principal moneys and interest under the direction of the Court, upon such parties as in the opinion of the Court shall be entitled thereto, the said sale ought to be established; and upon such payment and settlement being made accordingly, the Court may declare that the said sale is valid, and thereupon the legal estate shall vest and go in like manner as if the power had been duly executed, and the costs of the said application, as between solicitor and client, shall be paid by the purchaser or the claimant under him.

Sale under power not to be avoided by reason of mistaken payment to tenant for life. Imp. Act 22 and 23 V., c. 35, s. 13.

13. Where, by any will which shall come into operation after the passing of this Act, the testator shall have charged his

Devisee in trust may

his

raise money by sale, notwithstanding want of express power in the will.

Imp. Act 22 and 23 V., c. 35, s. 14.

his real estate or any specific portion thereof, with the payment of his debts, or with the payment of any legacy or other specific sum of money, and shall have devised the estate so charged to any trustee or trustees for the whole of his estate or interest therein, and shall not have made any express provision for the raising of such debt, legacy, or sum of money out of such estate, it shall be lawful for the said devisee or devisees in trust, notwithstanding any trusts actually declared by the testator, to raise such debt, legacy or money as aforesaid by a sale and absolute disposition, by public auction or private contract, of the said hereditaments or any part thereof, or by a mortgage of the same, or partly in one mode and partly in the other, and any deed or deeds of mortgage so executed, may reserve such rate of interest, and fix such period or periods of repayment as the person or persons executing the same shall think proper.

Powers given by last section extended to survivors, devisees, &c., Imp. Act 22 and 23 V., c. 35, s. 15.

14. The powers conferred by the last section shall extend to all and every person or persons in whom the estate devised shall for the time being be vested by survivorship, descent or devise, or to any person or persons who may be appointed under any power in the will, or by the Court of Chancery, to succeed to the trusteeship vested in such devisee or devisees in trust as aforesaid.

Executors to have power of raising money, &c., where there is no sufficient devise. Imp. Act 22 and 23 V., c. 35, s. 16.

15. If any testator who shall have created such a charge as is described in the thirteenth section, shall not have devised the hereditaments charged as aforesaid, in such terms as that his whole estate and interest therein shall become vested in any trustee or trustees, the executor or executors for the time being, named in the will, if any, shall have the same or the like power of raising the said moneys as is hereinbefore vested in the devisee or devisees in trust of the said hereditaments, and such power shall from time to time devolve to and become vested in the person or persons (if any) in whom the executorship shall, for the time being, be vested; but any sale or mortgage under this Act shall operate only on the estate and interest, whether legal or equitable, of the testator, and shall not render it unnecessary to get in any outstanding subsisting legal estate.

Purchasers, &c., not bound to inquire as to powers. Imp. Act 22 and 23 V., c. 35, s. 17.

16. Purchasers or mortgagees shall not be bound to inquire whether the powers conferred by sections thirteen, fourteen and fifteen of this Act, or either of them, shall have been duly and correctly exercised by the person or persons acting in virtue thereof.

Sections 13, 14 and 15, not to affect certain sales, &c., nor to extend to

17. The provisions contained in sections thirteen, fourteen, fifteen and sixteen, shall not in any way prejudice or affect any sale or mortgage already made or hereafter to be made, under or in pursuance of any will coming into operation before the passing of this Act, but the validity of any such sale or mortgage

mortgage shall be ascertained and determined in all respects as if this Act had not passed; and the said several sections shall not extend to a devise to any person or persons in fee or in tail, or for the testator's whole estate and interest charged with debts or legacies; nor shall they affect the power of any such devisee or devisees to sell or mortgage as he or they may by law now do.

devisees in fee or in tail. Imp. Act 22 and 23 V., c. 35, s. 18.

PROVISIONS FOR CASES OF FUTURE AND CONTINGENT USES.

18. Where by any instrument any hereditaments have been or shall be limited to uses, all uses thereunder, whether expressed or implied by law, and whether immediate or future, or contingent or executory, or to be declared under any power therein contained, shall take effect when and as they arise by force of and by relation to the estate and seizin originally vested in the person seized to the uses, and the continued existence in him or elsewhere of any seizin to uses or *scintilla juris*, shall not be deemed necessary for the support of, or to give effect to future or contingent or executory uses; nor shall any such seizin to uses or *scintilla juris* be deemed to be suspended, or to remain or to subsist in him or elsewhere.

In case of limitation to uses they shall take effect as they arise, without continued seizin or *scintilla juris* in the persons originally seized. Imp. Act 23 and 24 V., c. 38, s. 7.

ASSIGNMENT OF PERSONALTY.

19. Any person shall have power to assign personal property, now by law assignable, including chattels real, directly to himself and another person or other persons or corporation, by the like means as he might assign the same to another.

Assignment to self and others. Imp. Act 22 and 23 V., c. 35, s. 21.

FRAUDS ON SALES AND MORTGAGES.

20. Any seller or mortgagor of land, or of any chattels, real or personal, or choses in action, conveyed or assigned to a purchaser or mortgagee, or the solicitor or agent of any such seller or mortgagor, who shall, after the passing of this Act, conceal any settlement, deed, will or other instrument material to the title, or any incumbrance, from the purchaser or mortgagee, or falsify any pedigree upon which the title does or may depend, in order to induce him to accept the title offered or produced to him, with intent in any of such cases to defraud, shall be guilty of a misdemeanor, or being found guilty, shall be liable, at the discretion of the court, to suffer such punishment, by fine or by imprisonment for any time not exceeding two years, with or without hard labor, or by both, as the court shall award, and shall also be liable to an action for damages at the suit of the purchaser or mortgagee, or those claiming under the purchaser or mortgagee, for any loss sustained by them or either or any of them, in consequence of the settlement, deed, will or other instrument or incumbrance so concealed, or of any claim made by any person under such pedigree, but whose right was concealed by the falsification of such pedigree; and

Punishment of vendor or mortgagor for fraudulent concealment of deeds, &c., or falsifying pedigree. Imp. Act 22 and 23 V., c. 35, s. 25, and 23 and 24 V. c. 38, s. 8.

and in estimating such damages where the estate shall be recovered from such purchaser or mortgagee, or from those claiming under the purchaser or mortgagee, regard shall be had to any expenditure by them, or either or any of them, in improvements on the land ; but no prosecution for any offence included in this section, against any seller or mortgagor, or any solicitor or agent, shall be commenced without the sanction of Her Majesty's Attorney General for Upper Canada, or in case that office be vacant, of Her Majesty's Solicitor General for Upper Canada ; and no such sanction shall be given without such previous notice of the application for leave to prosecute, to the person intended to be prosecuted, as the Attorney General or the Solicitor General (*as the case may be*) shall direct ; and no prosecution for concealment shall be sustained unless a written demand of an abstract of title was served by or on behalf of the purchaser or mortgagee before the completion of the purchase or mortgage.

Consent of
Crown Law
Officer to pro-
secution
required.

INTERPRETATION CLAUSE.

Interpretation
of words used
in this Act.

21. In the construction of the previous provisions in this Act, the term "land" shall be taken to include all tenements and hereditaments, and any part or share of or estate or interest in any tenements or hereditaments, of what tenure or kind soever ; and

"Lands."

"Mortgage."

The term "mortgage" shall be taken to include every instrument by virtue whereof land is in any manner conveyed, assigned, pledged or charged as security for the repayment of money or money's worth lent, and to be re-conveyed, re-assigned or re-leased on satisfaction of the debt ; and

"Mortgagor."

The term "mortgagor" shall be taken to include every person by whom any such conveyance, assignment, pledge or charge as aforesaid shall be made ; and

"Mortgagee."
Imp. Act 22
and 23 V., c. 35,
s. 25.

The term "mortgagee" shall be taken to include every person to whom or in whose favor any such conveyance, assignment, pledge or charge as aforesaid is made or transferred.

POWERS OF ATTORNEY.

Powers of
attorney exe-
cuted by mar-
ried women.

22. A power of attorney executed by a married woman for the sale or conveyance of any real estate of or to which she is seized or entitled in Upper Canada, or authorizing the attorney to execute a deed barring or releasing her dower in any lands or hereditaments in Upper Canada, shall be valid both at law and in equity ; provided, (1) that she be examined and a certificate indorsed on the power of Attorney, as required in regard to deeds and conveyances by a married woman, under the Consolidated Statutes for Upper Canada respectively, intituled: *An Act respecting Dower*, and *An Act respecting the conveyance of Real Estate by Married Woman* ; and provided [2] that her husband is a party to and executes such power of attorney or the

the deed or other instrument executed in pursuance thereof, where the power is for the sale or conveyance of her real estate.

23. In case a power of attorney for the sale or management of real or personal estate, or for any other purpose, provides that the same may be exercised in the name and on the behalf of the heirs or devisees, executors or administrators of the person executing the same, or provides by any form of words that the same shall not be revoked by the death of the person executing the same, such provision shall be valid and effectual to all intents and purposes both at law and in equity, according to the tenor and effect thereof, and subject to such conditions and restrictions, if any, as may be therein contained.

As to a power of attorney provided expressly to be executed after decease of constituent.

24. Independently of any such special provision in a power of attorney, every payment made and every act done under and in pursuance of any power of attorney, or any power, whether in writing or verbal, and whether expressly or impliedly given, or an agency expressly or impliedly created after the death of the person who gave such power or created such agency, or after he as done some act to avoid the power or agency, shall, notwithstanding such death or act last aforesaid, be valid as respects every person party to such payment or act, to whom the fact of the death, or of the doing of such act as last aforesaid was not known at the time of such payment or act *bonâ fide* done as aforesaid, and as respects all claiming under such last mentioned person.

As to things done and powers of attorney after the decease, &c., of constituents, without such special provisions.

DISTRIBUTION OF ASSETS.

25. Where an executor or administrator, liable as such to the rents, covenants or agreements contained in any lease or agreement for a lease granted or assigned to the testator or intestate whose estate is being administered, shall have satisfied all such liabilities under the said lease, or agreement for a lease, as may have accrued due and been claimed up to the time of the assignment hereinafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the lessee to be laid out on the property demised, or agreed to be demised, although the period for laying out the same may not have arrived, and shall have assigned the lease, or agreement for a lease, to a purchaser thereof, he shall be at liberty to distribute the residuary personal estate of the deceased, to and amongst the parties entitled thereto respectively, without appropriating any part, or any further part (as the case may be) of the personal estate of the deceased, to meet any future liability under the said lease, or agreement for a lease; and the executor or administrator so distributing the residuary estate, shall not after having assigned the said lease, or agreement for a lease, and having, where necessary, set apart such sufficient fund as aforesaid,

As to liability of executor or administrator in respect of rents, covenants or agreements. Imp. Act 22 and 23 V., c. 35, s. 27.

aforesaid, be personally liable in respect of any subsequent claim under the said lease, or agreement for a lease; but nothing herein contained shall prejudice the right of the lessor, or those claiming under him, to follow the assets of the deceased into the hands of the person or persons to or amongst whom the said assets may have been distributed.

As to liability of executor in respect of rents, &c., in conveyances on rent-charges.
Imp. Act 22 and 23 V., c. 35, s. 25.

26. In like manner where an executor or administrator, liable as such, to the rent, covenants or agreements contained in any conveyance on chief rent or rent-charge, (whether any such rent be by limitation of use, grant or reservation,) or agreement for such conveyance, granted or assigned to or made and entered into with the testator or intestate, whose estate is being administered, shall have satisfied all such liabilities under the said conveyance, or agreement for a conveyance, as may have accrued due and been claimed up to the time of the conveyance hereinafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the grantee to be laid out on the property conveyed, or agreed to be conveyed, although the period for laying out the same may not have arrived, and shall have conveyed such property, or assigned the said agreement for such conveyance as aforesaid, to a purchaser thereof, he shall be at liberty to distribute the residuary personal estate of the deceased to and amongst the parties entitled thereto respectively, without appropriating any part or any further part (as the case may be) of the personal estate of the deceased, to meet any future liability under the said conveyance, or agreement for a conveyance; and the executor or administrator so distributing the residuary estate, shall not, after having made or executed such conveyance or assignment, and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said conveyance, or agreement for conveyance; but nothing herein contained shall prejudice the right of the grantor, or those claiming under him, to follow the assets of the deceased into the hands of the person or persons to or among whom the said assets may have been distributed.

As to distribution of the assets of testator or intestate after notice given by executor or administrator.
Imp. Act 22 and 23 V., c. 35, s. 29.

27. Where an executor or administrator shall have given such, or the like notices, as in the opinion of the Court in which such executor or administrator is sought to be charged, would have been given by the Court of Chancery in an administration suit, for creditors and others to send in to the executor or administrator their claims against the estate of the testator or intestate, such executor or administrator shall, at the expiration of the time named in the said notices, or the last of the said notices, for sending in such claims, be at liberty to distribute the assets of the testator or intestate, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which such executor or administrator has then notice, and

and shall not be liable for the assets, or any part thereof, so distributed to any person of whose claim such executor or administrator shall not have had notice of the time of distribution of the said assets, or a part thereof, as the case may be ; but nothing in the present Act contained shall prejudice the right of any creditor or claimant to follow the assets, or any part thereof, into the hands of the person or persons who may have received the same respectively.

28. On the administration of the estate of any person dying after the passing of this Act, in case of a deficiency of assets, debts due to the Crown, and to the executor or administrator of the deceased person, and debts to others, including therein respectively debts by judgment, decree or order, and other debts of record, debts by specialty, simple contract debts, and such claims for damages as by statute, are payable in like order of administration as simple contract debts—shall be paid *pari passu* and without any preference or priority of debts of one rank or nature over those of another ; but nothing herein contained shall prejudice any lien existing during the lifetime of the debtor on any of his real or personal estate.

In case of deficiency of assets, certain debts to rank *pari passu*, and without priority over each other.

Exception.

29. In case the executor or administrator gives notice in writing to any creditor or other person of whose claims against the estate such executor or administrator has notice, or to the attorney or agent of such creditor or other person, that the said executor or administrator rejects or disputes such claim, it shall be the duty of the claimant to commence his suit in respect of such claim, within six months after such written notice was given, in case the debt, or some part thereof, was due at the time of the notice, or within six months from the time the debt, or some part thereof, falls due, if no part thereof was due at the time of the said notice, and in default the said suit shall be for ever barred.

If an executor or administrator rejects a claim, suit must be brought within a certain period, or be barred.

LIMITATION IN INTESTACY.

30. After the first day of January, one thousand eight hundred and sixty-six, no suit or other proceeding shall be brought to recover the personal estate, or any share of the personal estate of any person dying intestate, possessed by the legal personal representative of such intestate, but within the time within which the same might be brought to recover a legacy, that is to say, within twenty years next after a present right to receive the same, shall have accrued to some person capable of giving a discharge for or release of the same, unless in the meantime some part of such estate or share, or some interest in respect thereof shall have been accounted for or paid, or some acknowledgment of the right thereto shall have been given in writing, signed by the person accountable for the same, or his agent, to the person entitled thereto, or his agent ; and in such case, no such action or suit shall be brought

After 1st of January, 1866, a suit to recover personal estate of an intestate or any part thereof, must be brought within the same time as a suit for a legacy. Imp. Act 23 and 24 V., c. 38, s. 13.

but within twenty years after such accounting, payment or acknowledgment, or the last of such accountings, payments or acknowledgments, if more than one was made or given.

SUMMARY APPLICATIONS TO CHANCERY.

Trustee, executor, &c., may apply by petition to Judge of Chancery for opinion, advice, &c., in management, &c., of trust property.
Imp. Act 22 and 23 V., c. 35, s. 30.

31. Any trustee, executor or administrator shall be at liberty, without the institution of a suit, to apply by petition to any Judge of the Court of Chancery, or by summons upon a written statement to any such Judge in Chambers, for the opinion, advice, or direction of such Judge on any question respecting the management or administration of the trust property or the assets of any testator or intestate; such petition or statement to be accompanied by a certificate of counsel, to the effect that in his judgment the case stated is a proper one for the opinion, advice, or direction of the Judge under this Act, and such application to be served upon, or the hearing thereof to be attended by, all persons interested in such application or such of them as the said Judge shall think expedient; and the trustee, executor or administrator acting upon the opinion, advice or direction given by the said Judge, shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee, executor, or administrator, in the subject matter of the said application; Provided, nevertheless, that this Act shall not extend to indemnify any trustee, executor or administrator in respect of any act done in accordance with such opinion, advice or direction as aforesaid, if such trustee, executor or administrator shall have been guilty of any fraud or wilful concealment or misrepresentation in obtaining such opinion, advice or direction; and the costs of such application as aforesaid shall be in the discretion of the Judge to whom the said application shall be made.

LIABILITY OF TRUSTEES.

Every trust instrument to be deemed to contain clauses for the indemnity and reimbursement of the trustees.
Imp. Act 22 and 23 V., c. 35, s. 31.

32. Every deed, will, or other document creating a trust, either expressly or by implication, shall, without prejudice to the clauses actually contained therein, be deemed to contain a clause in the words or to the effect following, that is to say:—
“ That the trustees or trustee, for the time being, of the said deed, will or other instrument, shall be respectively chargeable only for such moneys, stocks, funds and securities as they shall respectively actually receive, notwithstanding their respectively signing any receipt for the sake of conformity and shall be answerable and accountable only for their own acts, receipts, neglects, or defaults and not for those of each other, nor for any banker, broker, or other person with whom any trust moneys or securities may be deposited; nor for the insufficiency or deficiency of any stocks, funds, or securities; nor for any other loss, unless the same shall happen through their own wilful default respectively; and also that it shall be lawful for the trustees or trustee for the time being, of the
“ said

“said deed, will or other instrument, to reimburse themselves
 “or himself, or pay or discharge out of the trust premises all
 “expenses incurred in or about the execution of the trusts or
 “powers of the said deed, will or other instrument.”

LAND SUBJECT TO MORTGAGES.

33. When any person shall, after the thirty-first of December, one thousand eight hundred and sixty-five, die seized of or entitled to any estate or interest in any land or other hereditaments, which shall at the time of his death be charged with the payment of any sum or sums of money by way of mortgage, and such person shall not, by his will or deed, or other document, have signified any contrary or other intention, the heir or devisee to whom such land or hereditaments shall descend or be devised, shall not be entitled to have the mortgage debt discharged or satisfied out of the personal estate, or any other real estate of such person, but the lands or hereditaments so charged shall, as between the different persons claiming through or under the deceased person, be primarily liable to the payment of all mortgage debts with which the same shall be charged, every part thereof, according to its value, bearing a proportionate part of the mortgage debts charged on the whole thereof; Provided always, that nothing herein contained shall affect or diminish any right of the mortgagee on such lands or hereditaments to obtain full payment or satisfaction of his mortgage debts, either out of the personal estate of the person so dying as aforesaid or otherwise; Provided also, that nothing herein contained shall affect the rights of any person claiming under or by virtue of any will, deed, or document already made or to be made before the first day of January, one thousand eight hundred and sixty-six.

In case of persons dying after 31st Dec., 1865, mortgages on his real property to be paid out of such property and not out of his personal estate. Imp. Act 17, 18 V. c. 113.

Proviso.

Proviso.

C A P . X X I X .

An Act to amend the Act respecting Attorneys.

[Assented to 18th September, 1865.]

WHEREAS by the Act passed in the twenty-eighth year of Her Majesty's Reign, chaptered Twenty-one, and intituled: *An Act to amend the Act respecting Attorneys*, the fourth subsection of the third section of chapter thirty-five of the Consolidated Statutes for Upper Canada, was repealed, and a new fourth subsection was substituted in lieu thereof; and whereas the fifth subsection of the third section of the said chapter thirty-five, conflicts with the said substituted subsection, and it is desirable that the same should be repealed: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

25 V. c. 21 cited.

1. The fifth subsection of the third section of chapter thirty-five of the Consolidated Statutes for Upper Canada shall be and the same is hereby repealed.

Part of Sect. 3 of the said Act repealed.

C A P . X X X .

An Act to amend the Act intituled: *An Act respecting County Courts.*

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Sect. 5 of c. 15,
Con. Stat. Can.
amended and
extended.

1. The fifth section of the fifteenth chapter of the Consolidated Statutes for Upper Canada is hereby amended and extended by the addition of the words, "or as a conveyancer, "or do any manner of conveyancing, or prepare any papers or "documents to be used in any Court of this Province," which words are hereby incorporated in that section, and shall be read as a part thereof immediately after the word "Public," in such section.

C A P . X X X I .

An Act to amend chapter nineteen of the Consolidated Statutes for Upper Canada, respecting the Division Courts.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

County Judge
may on peti-
tion establish
a Division
Court, not-
withstanding
the Act in that
behalf.

1. Notwithstanding anything in the said Act respecting the Division Courts, it shall and may be lawful for any Judge of a County Court, in his discretion, upon the petition of the Municipal Corporation of any township or united townships in which no Division Court has already been established, praying that a Division Court may be established in and for such township or united townships, to establish and hold a Division Court therein, and the Court so established shall be numbered and called the Division Court of the County or United Counties in which such township or united townships shall be situated, taking the number next after the highest number of the Courts then existing in such county or united counties; and the Courts so established shall have the same jurisdiction as Division Courts established under the said Act respecting Division Courts, and all and singular the provisions of the said Act, not inconsistent with this Act, shall apply to all Courts established under this Act; provided always, that no business shall be transacted in any such Court until after the establishment thereof shall have been certified by the County Judge to the Governor in Council, together with the petition praying for the same and the passing of an Order by the Governor in Council approving thereof.

Proviso: Court
must be con-
firmed by
Governor in
Council.

C A P . X X X I I .

An Act to regulate the Costs of Arbitrations in Upper Canada.

[Assented to 18th September, 1865.]

FOR restraint of unreasonable charges attending Arbitrations: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. No Arbitrator, who is not by profession and calling a Barrister, Attorney, Engineer, Architect, or Deputy Provincial Land Surveyor, shall be entitled to demand or take for his attendance and services as an Arbitrator, any greater fees than are hereinafter set down in the Schedule to this Act, marked A. Fees to Arbitrators not being Barristers, Architects, &c.

2. No Arbitrator, who is by profession and calling a Barrister, Attorney, Engineer, Architect, or Deputy Provincial Land Surveyor, shall be entitled to demand or take for his attendance and services as such Arbitrator, any greater fees than are hereinafter set down in the Schedule to this Act, marked B. Fees to Arbitrators being Barristers, Architects, &c.

3. No greater fees shall be taxed or allowed to any persons called as witnesses before any Arbitrator or Umpire than would be taxed and allowed to the same persons in an ordinary suit before a Court having jurisdiction over the subject-matter of reference. Fees to witnesses.

4. Whenever, at any meeting of Arbitrators, of which due notice has been given to the respective parties, no proceedings are taken in consequence of the absence of either of the parties, or because a postponement is made by the Arbitrators at the request of either party to some future day, the Arbitrators shall make up an account of the costs, charges and disbursements of such meeting, including the proper charge for their own attendance and that of any witnesses, and of the Counsel or Attorney of the party present, or not desiring such postponement, and shall charge the amount thereof, or of the disbursements against the party making default in attending, or at whose request the postponement shall have been made, (unless the Arbitrators, under the special circumstances of the case, shall think that it would be unjust to charge such disbursements, or costs, charges and disbursements against him,) and such last named party shall be bound to pay the same to the other, whatever may be the event of the award and reference, and the Arbitrators shall, in the award make any direction or adjudication necessary for that purpose, and if such sum be payable by the party in whose favor the award is otherwise made, it may be set off against, and deducted from any amount awarded in favor of that party. In case of absence of parties or postponement at their request costs of meeting to be taxed against them.

Taxing of costs on arbitrations.

5. Either party to an Arbitration shall be entitled to have the costs thereof taxed, including the fees to the Arbitrators, by the Master of either of the Superior Courts at Toronto, having jurisdiction of the cause; or in cases where the Arbitrators determine the amount of the costs, or where there is no cause in Court, by the Master to be named in a Judge's order, which may be granted for that purpose, on a proper application on affidavit, setting forth the facts.

Taxing power restricted, as to amounts.

6. The Master shall in no case tax higher fees than are set down in this Act, but upon reasonable grounds established before him upon affidavit, he may in taxation reduce the maximum mentioned in the Schedules, but not below the minimum, having always regard to the length of the arbitration, and to the value of the matter in dispute, and the difficulty of the questions to be decided, but he shall not tax more than one Counsel fee to either party for any meeting of the Arbitrators.

Costs of award.

7. The Master may tax and allow a reasonable sum for the preparation and drawing up of the award.

Revision of taxation.

8. A revision of taxation may at any time be granted upon application to the Court or a Judge, reasonable ground being shewn.

Agreement to refer, may include limitation of fees to arbitrators.

9. It shall be lawful for the parties who refer any matter in difference between them to arbitration, whether any cause, suit or action be pending between them or not, to agree, by writing, signed by them, or by making such agreement a part of their submission, to pay to the Arbitrator or Arbitrators, if more than one—and for this purpose an Umpire duly appointed shall be included in the term Arbitrators—such fees or sums for each day's attendance, or such gross sums for their taking upon themselves the burden of the reference and making the award, as the said parties shall see fit, and in every such case the fees and sums so agreed upon shall be substituted for those set down and authorized in the Schedules to this Act, and shall be taxed and allowed by the Master accordingly.

Provision in case of refusal or delay to make award, &c.

10. If any Arbitrator, after taking upon himself the burden of any reference, and after hearing the parties, their Counsel and Attorneys or evidence, as the case may be, shall refuse or delay, after the expiration of one calendar month from the close of the proceedings before him, to make, execute and deliver his award upon the matters submitted, until a larger sum is paid to him for his fees than is by this Act permitted; and may be taxed; or shall receive for such his award, or for his fees as Arbitrator, any such larger sum, he shall, for each and every such refusal or delay, forfeit and pay to the party who has demanded and was entitled to obtain the award, or who has paid to the Arbitrator any such larger sum in order to obtain,

Penalty and mode of recovery.

obtain, or as a consideration for having obtained such award, treble the amount of the whole sum demanded by the Arbitrator, and to obtain payment whercof he has refused or delayed as aforesaid to make, execute or deliver his award, or treble the sum actually paid to him for his award, and received by him contrary to the provisions of this Act, such treble sum or sums to be recoverable with full costs in an action of debt to be brought in either of the Superior Courts of Common Law.

11. In all cases where an award has heretofore been or shall hereafter be made, the Arbitrator making the same may maintain an action for his fees upon such award, after the same shall have been taxed, which taxation may be made at the instance of the Arbitrator, upon notice to any party to the reference, against whom he may afterwards bring such action; and in the absence of an express agreement in respect thereof, the Arbitrator may maintain such action, after such taxation, against all the parties to such reference, jointly or severally.

Arbitrator to have action for fees taxed to him.

12. The word "Arbitrator" in the Act shall be taken to include all Arbitrators, every umpire or umpires, and every referee in the nature of an Arbitrator; and the word "award" shall include every umpirage and every certificate in the nature of an award.

Interpretation.

13. This Act shall extend only to Upper Canada.

Act limited to U. C.

SCHEDULE A.

For every meeting where the cause is not proceeded with, but an enlargement or postponement is made at the request of either party, not less than	\$ 2 00
Nor more than.....	\$ 4 00
For every's day's sitting, to consist of not less than six hours, not less than.....	\$ 5 00
Nor more than.....	\$10 00
For every sitting not extending to six hours (fractional parts of hours being excluded) when the arbitration is actually proceeded with, for each hour occupied in such proceedings, at the rate of not less than.....	\$ 1 00
Nor more than.....	\$ 1 50

SCHEDULE B.

For every meeting where the cause is not proceeded with, but an enlargement or postponement is made at the request of either party, not less than	\$ 4 00
Nor more than.....	\$ 8 00
For	

For every day's sitting, to consist of not less than six hours, not less than.....	\$10 00
Nor more than.....	\$20 00
For every sitting not extending to six hours (fractional parts of hours being excluded) where the arbitration is actually proceeded with, for each hour occupied in such proceedings, at the rate of not less than.....	\$ 2 00
Nor more than.....	\$ 3 00

C A P . X X X I I I .

An Act to amend Chapter seventy-five of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting Master and Servant.*

[Assented to 18th September, 1865.]

Preamble.

Con. Stat. U. C. c. 75.

WHEREAS doubts have arisen as to the application in certain cases, of the provisions of the Act respecting Master and Servant, chapter seventy-five of the Consolidated Statutes for Upper Canada, and it is expedient that they should be removed: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

How certain differences between master and servant are to be decided.

1. If after the termination of an engagement between master and servant, any dispute shall arise between them in respect of the term of such engagement or of any matter appertaining to it, the Justice or Justices of the Peace who shall receive the complaint shall be bound to decide the matter, in accordance with the provisions of the Act respecting master and servant, and as though the engagement between the parties still subsisted; provided that proceedings be taken within one month after the engagement shall have ceased.

Proviso.

What evidence to be taken.

2. Whenever the Justice shall take the evidence of the complainant in support of his or her claim, the said Justice shall be bound to take the evidence of the defendant also, if tendered.

C A P . X X X I V .

An Act to regulate the Qualifications of Practitioners in Medicine and Surgery in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it is expedient that persons requiring medical aid should be enabled to distinguish qualified from unqualified Practitioners: Therefore, Her Majesty, by and with the

the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. This Act shall be known and cited as "The Medical Act for Upper Canada." Short title.

2. This Act shall take effect from and after the first day of January, one thousand eight hundred and sixty-six. When Act shall take effect.

3. A Council, which shall be styled "The General Council of Medical Education and Registration of Upper Canada," hereinafter referred to as "The Council," shall be established. General Council established.

4. The Council shall consist of one person, chosen from time to time, by each of the following Colleges and bodies, in such manner, as by By-laws of such Colleges or bodies, or of their Governors, Directors or of the Trustees thereof, shall be provided :— Composition of Council.
 - The University of Toronto, Election Colleges.
 - The University of Queen's College,
 - The University of Victoria College,
 - The University of Trinity College, Toronto,
 - The Toronto School of Medicine,

and by every other college or body in Upper Canada, by law authorized or hereafter to be authorized to grant Medical or Surgical Degrees or Certificates of qualification to practise Medicine, Surgery and Midwifery, or either, and of twelve persons to be elected from among the registered practitioners of medicine of Upper Canada as hereinafter is provided.

5. Members of the council, representing medical corporations, must be qualified to be registered under this Act. Qualification of members.

6. There shall be elected from time to time by open public meeting of medical practitioners registered under this Act, resident in each of the territorial divisions of Upper Canada, mentioned in Schedule C to this Act, one member of council for each of such territorial divisions; and the place, time and mode of holding such election, and the person to act as Returning Officer thereat, shall be determined by the Governor in Council, and published thrice in the *Canada Gazette*; Provided always, that at the elections to be first held after the passing of this Act, every person so resident and entitled to be so registered may vote and shall be qualified for election as such member. Election by Medical practitioners in different places.

7. The members of the council shall be chosen for a period of three years; any member may resign his appointment at any time by letter, addressed to the President of the council; and upon the death or resignation of any member of the council some other person shall be constituted a member of the said council in his place, in manner hereinbefore provided, but Proviso: who may be elected. Resignation of members and filling vacancies.

it shall be lawful for the council during such vacancy to exercise the power hereinafter mentioned.

First meeting of Council.

8. The council shall hold its first meeting within six months from the commencement of this Act, in such place and at such time as the Attorney General for Upper Canada shall appoint; and shall make such rules and regulations as to the times, and places of the intended meetings of the council and the mode of summoning the same as to them shall seem expedient, which rules and regulations shall remain in force till altered at any subsequent meeting; in the absence of any rule or regulation as to the summoning of future meetings of the council, it shall be lawful for the President thereof to summon the same, at such time and place as to him shall seem fit, by circular letter to be mailed to each member; provided always, that at least two weeks' notice of such meeting be given; in the event of the absence of the President from any meeting, some other member to be chosen from among the members present, shall act as President; all acts of the Council shall be decided by the majority of the members present, the whole number not being less than nine; at all meetings, the President, for the time being, shall have a casting vote only.

Rules and regulations to be made.

If not made.

Proviso: notice.

Absence of President.

Majority, &c.

Payment of members.

9. There shall be paid to the members of the council such fees for attendance and such reasonable travelling expenses, as shall from time to time be allowed by the council.

Council may appoint officers.

10. The council shall appoint a President, Registrar and Treasurer, and such other officers as may be necessary to the working of this Act.

Application of moneys.

11. All moneys forming part of the council funds, shall be paid to the Treasurer, and shall be applied to carrying this Act into execution.

Duty of Registrar.

12. It shall be the duty of the Registrar to keep his register correct, in accordance with the provisions of this Act, and the rules, orders and regulations of the council, and to erase the names of all registered persons who shall have died, and he shall, from time to time, make the necessary alterations in the address or qualifications of the persons registered under this Act; and to enable him duly to fulfil the duties imposed on him, it shall be lawful for him to write a letter to any registered person, addressed according to the address of such person on the register, to enquire whether he has ceased to practise or has changed his residence, and if no answer shall be returned to such letter within the period of six months from the sending of such letter, it shall be lawful for the Registrar to erase the name of such person from the Register; Provided always, that the same shall be restored by direction of the council, upon cause duly shewn to that effect.

Proviso.

13. Every person resident in Upper Canada, and now possessed, or who hereafter may become possessed of any one or more of the qualifications described in the Schedule (A) to this Act shall, on the payment of a fee not exceeding five dollars in respect of qualifications obtained on or before the first day of January one thousand eight hundred and sixty-six, and not exceeding ten dollars in respect of qualifications obtained on or after that date, be entitled to be registered, on producing to the Registrar the document conferring or evidencing the qualification or each of the qualifications in respect whereof he seeks to be so registered, or upon transmitting by post to the Registrar, information of his name and address, and evidence of the qualification or qualifications in respect whereof he seeks to be registered, and of the time or times at which the same was or were respectively obtained; and it shall be lawful for the several colleges and bodies, named or referred to in section four of this Act, to transmit from time to time to the said Registrar, lists certified under their respective seals of the several persons who, in respect of qualifications granted by such colleges and bodies respectively, are for the time being entitled to be registered under this Act, stating the respective qualifications and places of residence of such persons; and it shall be lawful for the Registrar thereupon, and upon payment of such fee as aforesaid, in respect of each person to be registered, to enter in the register the persons mentioned in the list with their qualifications and places of residence as thereon stated, without other application in relation thereto.

Who may be registered.

Fees.

Colleges, &c., may transmit lists of persons to be registered.

Duty of Registrar on payment of fees.

14. Any person entitled to be registered under this Act, but who shall neglect or omit to be so registered, shall not be entitled to any of the rights or privileges conferred by the provisions of this Act so long as such neglect or omission continues; and it shall be lawful for the council to charge and receive from the persons who register after the first day of May, one thousand eight hundred and sixty-six, a fee not exceeding ten dollars.

Persons neglecting to be registered to forfeit privileges.

15. The council shall, at their first meeting, and from time to time, as occasion may require, make orders, regulations or by-laws for regulating the registers to be kept under this Act, as nearly as may be in accordance with the form set forth in Schedule B to this Act, or to the like effect.

Council to make by-laws respecting registers.

16. The council shall have power and authority to establish a uniform standard of Matriculation or preliminary education for the admission of all students, and to make by-laws and regulations for determining the admission and enrolling of students.

Standard of preliminary education for students.

17. The council shall have power and authority to fix and determine from time to time a curriculum of studies to be pursued by students, and such curriculum of studies shall be observed

Curriculum to be fixed.

Proviso.

observed and taught by all colleges or bodies referred to in section four of this Act; Provided always that such curriculum of studies shall first receive the approval of the Governor in Council, and be published once in the *Canada Gazette*.

In case any college does not observe the curriculum prescribed.

18. In case it shall appear to the council, that any of the colleges or bodies referred to in section four of this Act, have not observed and followed such curriculum of studies, and have granted the certificates of qualification, which they are entitled to grant under Schedule A of this Act, without such course of study and examination as is necessary to secure the possession, by persons obtaining such qualification, of a uniform and requisite standard knowledge and skill for the efficient practice of the profession, it shall be lawful for the Council to represent the same to the Governor in Council, and it shall thereupon be lawful for the Governor in Council, upon such representation as aforesaid, if it be seen fit, to authorize the General Council of Medical Education and Registration of Upper Canada to refuse registration to persons holding such qualifications, until they have completed the curriculum referred to in the next preceding section of this Act; Provided always that it shall be lawful for the Governor in Council, upon further representation from the said General Council, or otherwise, that any such College or body has made efficient provision for teaching and complying with the said curriculum, to order that its certificates of qualification granted thereafter, shall entitle the holder to registration under this Act.

Power of Governor in Council.

Proviso.

Colleges, &c., to furnish statement of studies when required.

19. The several colleges and bodies named or referred to in section four of this Act, shall, from time to time, when required by the Council, furnish such Council with such information as they may require, as to the course of study and examinations to be gone through in order to obtain the respective certificates of qualification which they are entitled to grant under schedule A to this Act, and the ages at which such course of study and examinations are required to be gone through, and such qualifications are conferred, and generally as to the requisites for obtaining the same; and any member or members of the Council, or any person or persons deputed for this purpose by such Council, may attend and be present to see that such curriculum is duly pursued and the examination duly held.

In case of attempt to prevent candidate from adopting any special theory, Governor in Council may issue injunction.

20. In case it shall appear to the Council that attempt has been made by any such college or body to impose upon any candidate offering himself for examination, an obligation to adopt or refrain from adopting the practice of any particular theory of Medicine or Surgery as a test or condition of admitting him to examination or of granting a certificate, it shall be lawful for the Council to direct such college or body to desist from such practice; and in the event of their not complying therewith may represent the same to the Governor in Council, and

and the Governor in Council may thereupon issue an injunction to such college or body so acting, to desist from such practice, and in the event of their not complying therewith, then to order that such college or body shall cease to have the power of conferring any right to be registered under this Act, so long as they shall continue such practice.

21. No qualification shall be entered on the register either on the first registration or by way of addition to a registered name unless the Registrar be satisfied by the proper evidence that the person claiming is entitled to it; and any appeal from the decision of the Registrar may be decided by the Council, and any entry which shall be proved to the satisfaction of the Council to have been fraudulently or incorrectly made, may be erased from the register by order in writing of the Council.

No qualification to be registered unless Registrar is satisfied of its correctness. Appeal.

22. The Registrar of the Council shall, in every year, cause to be printed, published and sold, under the direction of such Council, a correct register of the names in alphabetical order according to the surnames, with the respective residences, in the form set forth in Schedule B to this Act or to the like effect, and medical titles, diplomas and qualifications conferred by any college or body with the dates thereof of all persons appearing on the register as existing on the first day of January of every year, and such register shall be called "*The Medical Register for Upper Canada,*" and a copy of such register for the time being, purporting to be so printed and published as aforesaid, shall be *prima facie* evidence in all courts and before all Justices of the Peace and others that the persons therein specified are registered according to the provisions of this Act, and the absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this Act; Provided always that in the case of any person whose name does not appear in such copy, a certified copy under the hand of the Registrar of the Council, of the entry of the name of such person on the register, shall be evidence that such person is registered under the provisions of this Act.

Medical Registered for U. C. to be published.

To be evidence.

Proviso.

23. Any registered medical practitioner, who shall have been convicted of any felony in any court, shall thereby forfeit his right to registration, and by the direction of the council his name shall be erased from the register.

Practitioner convicted of felony.

24. Every person registered under this Act, who may have obtained any higher degree or any qualification other than the qualification in respect of which he may have been registered, shall be entitled to have such higher degree or additional qualification inserted in the register in substitution for or in addition to the qualification previously registered, on the payment of such fee as the council may appoint.

Higher degrees and qualifications may be registered.

Persons registered to be entitled to practise and to recover fees.

25. Every person who shall be registered under the provisions of this Act shall be entitled, according to his qualification or qualifications, to practise Medicine, Surgery and Midwifery, or either or any of them, as the case may be, in Upper Canada, and to demand and recover in any court of law, with full costs of suit, reasonable charges for professional aid, advice and visits and the cost of any medicine or other medical or surgical appliances rendered or supplied by him to his patients.

None but registered practitioners to recover after 1st May, 1866.

26. After the first day of May, one thousand eight hundred and sixty-six, no person shall be entitled to recover any charge in any court of law for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine which he shall have both prescribed and supplied, unless he shall prove upon the trial that he is registered under this Act.

Interpretation.

Legally qualified practitioner.

27. After the first day of May, one thousand eight hundred and sixty-six, the words "legally qualified medical practitioner" or "duly qualified medical practitioner," or any other words importing a person recognized by law as a medical practitioner or member of the medical profession, when used in any Act of Parliament, shall be construed to mean a person registered under this Act.

No unregistered person after 1st May, 1866, to attend any institution receiving public grant.

28. After the first day of May, one thousand eight hundred and sixty-six, no person shall be appointed as medical officer, physician or surgeon in any branch of the public service, militia, or otherwise, or in any hospital or other charitable institution not supported wholly by voluntary contributions, unless he be registered under the provisions of this Act.

No certificate to be valid unless signer is registered.

29. After the first day of May, one thousand eight hundred and sixty-six, no certificate required by any Act now in force, or that may hereafter be passed, from any physician or surgeon or medical practitioner shall be valid, unless the person signing the same be registered under this Act.

Falsification of register.

30. If the Registrar make or cause to be made any wilful falsification in any matters relating to the register, he shall be deemed guilty of misdemeanor, and shall, on conviction thereof, be imprisoned for any term not exceeding twelve months.

Punishment of persons fraudulently causing themselves to be registered.

31. If any person shall wilfully procure or attempt to procure himself to be registered under this Act by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, every such person so offending, and every person knowingly aiding and assisting him therein, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be imprisoned for any term not exceeding twelve months.

32. Any person who shall wilfully and falsely pretend to be or take or use any name, title, addition or description implying that he is registered under this Act, shall, upon prosecution and conviction in any Court of competent jurisdiction, forfeit and pay a penalty not exceeding one hundred dollars; and every such penalty shall form part of the funds of the council, and shall be paid over to the Treasurer for the uses and purposes thereof.

Persons falsely claiming to be registered.

33. It shall be the duty of the member of the council representing each such territorial division to notify the Registrar of the council, of the death of any registered medical practitioner occurring within his division, so soon as he shall become aware of the same, and upon the receipt of such notification, the Registrar shall erase the name of the person so deceased from the register.

Member of Council to notify Registrar of death.

34. Any person who shall wilfully and falsely pretend to be, or take, or use, the name or title of a Physician, Doctor of Medicine, Licentiate in Medicine and Surgery, Bachelor of Medicine, Surgeon, General Practitioner, or any name, title, addition or description, implying that he is registered under this Act, or that he is recognized by law as a Physician or Surgeon, or Licentiate in Medicine and Surgery, or a Practitioner in Medicine, shall, upon a summary conviction before any Justice of the Peace, for any such offence, pay a sum not exceeding fifty dollars, and in default of the payment of such penalty, on conviction, the offender may be committed to the Common Jail of the County until the same is paid.

Penalty for falsely assuming certain titles.

35. From and after the passing of this Act, the Act chapter forty of the Consolidated Statutes for Upper Canada shall be and the same is hereby repealed.

Cap 40 Con. Stat. U. C. repealed. *But see c. 35.*

36. Nothing in this Act contained shall be held to repeal, amend, or at all affect, in whole or part, the Act chapter seventy-six of the Consolidated Statutes of Canada, or the Act chapter forty-one of the Consolidated Statutes for Upper Canada; or the Act passed in the twenty-sixth year of Her Majesty's Reign, chapter one hundred and ten, or the Act passed at the session held in the twenty-eighth year of Her Majesty's Reign, chapter fifty-nine, or any Act of this session amending the same, or to oblige or allow any person licensed, or to be licensed, under the said Act, chapter forty-one of the Consolidated Statutes for Upper Canada, or under the said Act, passed in the twenty-fourth year of Her Majesty's Reign, chapter one hundred and ten, or under the said Act, passed at the session held in the twenty-eighth year of Her Majesty's Reign, chapter fifty-nine, or such Act amending the same, to be registered under this Act; or otherwise to abridge, alter or affect any right, franchise, power or duty of any board, officer, licensed medical practitioner, or other person whatever, as existing, or to exist, under,

Certain provisions of law not to be affected by this Act. Con. Stat. Can. c. 76.

Con. Stat. U. C. c. 41—26 V. c. 110—28 V. c. 59. *See c. 35.*

Or to abridge rights of Homœopaths or Eclecticis.

or from operation of, the said last mentioned Acts, or any thereof.

Public Act.

37. This Act shall be deemed a Public Act.

SCHEDULE A.

1. License to practice physic, surgery and midwifery, or either, within Upper Canada, granted under the Acts of Upper Canada, fifty-ninth George Third, chapter thirteen, and eighth George Fourth, chapter three respectively.

2. License or diploma granted under the second Victoria, chapter thirty-eight, or under the fortieth chapter of the Consolidated Statutes for Upper Canada, or any Act amending the same.

3. License or authorization to practise physic, surgery and midwifery, or either, within Lower Canada, whether granted under the Ordinance twenty-eighth George Third, chapter eight, or under the Act tenth and eleventh Victoria, chapter twenty-six, and the Acts amending the same, or under chapter seventy-one of the Consolidated Statutes for Lower Canada, or any Act amending the same.

4. Certificate of qualification to practise medicine, surgery and midwifery, or either, hereafter to be granted by any of the colleges or boards named or referred to in section four of this Act.

5. Medical or surgical degree or diploma of any university in Her Majesty's dominions.

6. Diploma or License as a physician and surgeon from the Royal College of Physicians or the Royal College of Surgeons in London.

7. Certificate of registration under the Imperial Act twenty-first and twenty-second Victoria, chapter ninety, known as "The Medical Act," or any Act amending the same.

8. Commission or warrant as Physician or Surgeon in Her Majesty's Naval or Military services.

SCHEDULE B.

Name.	Residence.	Qualifications and Additions.
A. B. ..	Toronto Co. of York.	A. M., M. D., Toronto University.
C. D. ..	Kingston, County of Frontenac.....	A.M., M.D., Queen's University
E. F. ..	Etobicoke, Co. York.	Licentiate, Medical Board.
G. H. ..	Toronto.....	Do. Toronto School of Medicine.

SCHEDULE C.

1. Western and St. Clair Electoral Divisions as established for election of Members of the Legislative Council.
2. Malahide and Tecumseth Electoral Divisions as established for election of Members of the Legislative Council.
3. Saugeen and Brock Electoral Divisions as established for election of Members of the Legislative Council.
4. Gore and Thames Electoral Divisions as established for election of Members of the Legislative Council.
5. Erie and Niagara Electoral Divisions as established for election of Members of the Legislative Council.
6. Burlington and Home Electoral Divisions as established for election of Members of the Legislative Council.
7. Midland and York Electoral Divisions as established for election of Members of the Legislative Council.
8. Kings and Queens Electoral Divisions as established for election of Members of the Legislative Council.
9. Newcastle and Trent Electoral Divisions as established for election of Members of the Legislative Council.
10. Quinté and Cataraqui Electoral Divisions as established for election Members of the Legislative Council.
11. Bathurst and Rideau Electoral Divisions as established for election of Members of the Legislative Council.
12. St. Lawrence and Eastern Electoral Divisions as established for election of Members of the Legislative Council.

C A P . X X X V .

An Act supplementary to the Act of this Session intituled : *An Act to regulate the Qualification of Practitioners in Medicine and Surgery in Upper Canada.*

[Assented to 18th September, 1865.]

Preamble.

Errors in c. 34
recited.

WHEREAS certain errors have been discovered in the Act of this present Session of Parliament, intituled : *An Act to regulate the Qualification of Practitioners in Medicine and Surgery in Upper Canada*, and it is desirable 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 :

Sect. 35 cor-
rected.

1. The thirty-fifth section is hereby amended by striking out the words "the passing of this Act" and substituting therefor the words "the first day of January next."

Sect. 36 cor-
rected.

2. The thirty-sixth section is amended by substituting the word "twenty-fourth" for "twenty-sixth" in the fifth line thereof.

Cap. 34 limited
to U. C.

3. The said Act shall apply only to Upper Canada.

Interpretation.

4. This Act shall be taken to form part of the said cited Act and shall be read and construed accordingly.

C A P . X X X V I .

An Act to amend and extend the provisions of the Act respecting Joint Stock Companies in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it is advisable that the Act intituled : *An Act respecting Joint Stock Companies for the construction of roads and other works in Upper Canada*, should be further amended and extended, difficulties having arisen respecting the repairs of roads constructed under that Act : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Con. Stat. U.
C c. 49, s. 5
repealed.

1. Section five of chapter forty-nine of the Consolidated Statutes for Upper Canada is hereby repealed.

Sect. 25
amended.

2. Section twenty-five of the said Statute shall be amended by inserting after the word "aforesaid" in the tenth line thereof, the following words : "or in case the owners of such lands are under age."

3.

3. Section twenty-eight of the said Statute shall be amended Sect. 28 amended. by adding the following words: "and in the case of infants or persons under age the amount shall be paid to his or her guardian or in case none has been appointed the same shall remain a charge against the Company to be paid over when such infancy shall cease."

4. Sections thirty-two, thirty-three and thirty-four of the said chapter forty-nine of the Consolidated Statutes for Upper Canada are hereby repealed except as to what has been done Sects. 32, 33, 34 amended: and others substituted. thereunder and the following sections substituted therefor:

"32. So often after the formation of any such Company as the Directors shall be of opinion that it is desirable to widen, extend or alter the projected line of road or to construct any side road to intersect the original main road, or to improve or repair any road or part thereof by substituting stone, gravel, plank or other suitable material, or that the original capital subscribed is not sufficient to complete the work, the Directors may, from time to time, by one or more resolutions passed by them for these purposes or any of them, widen, extend or alter the proper line of road, authorize the construction of such side roads and the making of such improvements and repairs, and the increase of the capital stock of such Company. If the Directors wish to improve the Road, &c., and to increase the capital.

"33. And a copy of such resolutions certified under the hand of the president and sealed with the seal of the Company shall be delivered to the registrar having the custody of the original instrument and resolutions (if any) already passed for similar purposes, who shall attach the same to such original instrument and note thereon the time of the day and the day of the month, and year of the receipt of the same; and the said Company shall thereupon, but subject to the acquired rights of any other Company then incorporated under this or any other Act, be subject to all such liabilities, and entitled to all such rights, powers and privileges in respect to the widening, extension and alteration of the said road as upon the incorporation thereof they were subject and entitled to in respect of the first line of road. Resolutions to that effect to be transmitted to the Registrar, &c.

"34. Such resolutions, if for the increase of the capital stock of such Company, shall declare the manner in which the same is to be increased, and the same may be increased by the issue of debentures signed by the president and countersigned by the treasurer bearing interest at six per cent. per annum or without interest which debentures may be sold on such terms as the said Directors may think fit to accept,) for sums not less in amount than one hundred dollars each, and not exceeding in the whole, including those, if any, already issued, one-half of the paid-up share capital at the time of issuing the same and by borrowing upon security of the Company by bond or mortgage of the road and tolls to be collected thereon, and by What the resolutions must provide for. authorizing

authorizing the issuing of an additional number of shares, preferential or otherwise, or by any or either of these methods as to the said Directors may seem meet."

Sect. 74 amended.

Proviso: as to Bridges under municipal control.

Proviso: as to what shall be a sufficient completion of the road within the time limited by this Act.

5. Section seventy-four of the said Act shall be amended by adding the following words thereto: "Provided that in case any bridge or bridges, whether under the jurisdiction of any municipal council or otherwise howsoever, shall intervene or form part of the line of such road, the same shall not be held to affect the rights of the Company under this section, reserving always the rights and obligations of the municipality or other owner thereof over such bridge or bridges; Provided also that in case of Companies constructing plank roads the completion of the laying of the planks shall be deemed a compliance with the requirements of this Act for the purpose of erecting toll-gates, and it shall not be lawful for any inspecting engineer appointed as hereinafter provided to condemn any such road, except as regards the plank roadway until the expiry of eighteen months after the erection of toll-gates; and such Companies shall be allowed eighteen months' exemption from the operation of the eighty-fifth section of the above recited Act as far as the completion of their ditches and side grading is concerned, to enable them to complete the same according to the plans and specifications of their works."

Sect. 87 repealed.
New provision.

6. The eighty-seventh section of the said Act shall be and the same is hereby repealed, and the following section is enacted and substituted therefor:

No tolls to be collected until the County Engineer or other Engineer appointed for that purpose reports the repairs made sufficient.

"87. It shall be the duty of the said Company, as soon as and whenever the said road has been repaired in pursuance of the notice aforesaid, to give notice to the county engineer or other engineer appointed for the purpose aforesaid, that the required repairs have been done, whereupon the said county engineer or other engineer appointed for that purpose as aforesaid, shall forthwith inspect the said repairs, and report them sufficient or insufficient, as the case may be, to the Judge of the County Court of the County in which the said road is situated, and no tolls shall be taken or collected upon any such road until there shall be a report by the county engineer or other engineer appointed for the purpose aforesaid, to the Judge of the County Court of the County in which such road is situated, that the repairs made are sufficient."

Votes on shares held by corporations.

7. Whenever a municipal corporation holds stock in a Joint Stock Company, and is by law entitled to vote for the election of Directors, and holds a controlling amount of the stock in such Company, such corporation shall only vote for and elect such number of Directors as will suffice to form a majority of the Board of Directors, and the stockholders, other than such corporation, shall elect the remainder or minority of such Directors.

8. For the protection of plank roads from the ravages of swine running at large, Joint-Stock Companies are hereby authorized to impound all swine found running at large on plank roads owned by them, and the pound keepers of municipalities on the line of such roads are hereby required to receive such animals and are authorized to receive the usual fees, and in default of payment to sell the animals in the usual way notwithstanding that such animals may be free commoners under the by-laws of their municipalities.

Protection against swine running at large.

9. It shall and may be lawful for any Company formed under the said Act by by-law to abandon any portion of their road, and after such abandonment the Municipal Council of any municipality within which such road or any part thereof lies, may assume such abandoned portion of such road lying within the municipality and have and exercise the same jurisdiction over the same, and be liable to the same duties as such Council has or is subject to, in respect to the public roads within its jurisdiction.

Company may abandon any part of their road.

C A P . X X X V I I .

An Act further to amend the law respecting Mutual Insurance Companies in Upper Canada.

[Assented to 18th September, 1865.]

WHEREAS it is expedient to amend the Law relating to the Mutual Insurance Companies in Upper Canada: 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, so much of the Act respecting Mutual Insurance Companies in Upper Canada, or of any other Act as requires any Director of any such Company in Upper Canada to give any bond conditioned for the faithful discharge of the duties of the office of such Director, shall be and the same is hereby repealed.

Directors not bound to give security.

2. Every such Company may hold its annual meeting for the election of Directors at such time in each year as may appear most expedient to its Board of Directors; and any law to the contrary is hereby repealed.

Annual meetings may be held at any time.

3. No action or suit either at Law or in Equity shall be brought against such Company upon any policy or contract of insurance already granted or entered into or that may hereafter be granted or entered into by such Company after the lapse of one year next after the happening of the loss or damage in respect of which such action or suit is brought, or in the event

Actions for losses to be brought within a certain time.

Saving clause.
Proviso.

of such loss or damage having happened before the passing of this Act, then within one year next after the passing of this Act, saving in all cases the rights of Parties under legal disability; Provided that in all future policies to be issued by such Company this Section shall be written or endorsed thereon.

In what Division Court, suits on premium notes may be brought.

4. Any suit cognizable in a Division Court, upon or for any premium or deposit note or notes or any sum assessed or to be assessed thereon, or upon or for any note or notes given or to be given for cash premiums of insurance to such Company or to any of the officers or agents thereof, may be entered and tried and determined in the Court for the Division wherein the head office of such Company is situate.

Policy to be void if payment on premium notes be not made within a certain time.

5. In case any note given or to be given for a cash premium of insurance to such Company or to any agent or officer thereof, or any sum that may hereafter be assessed upon a premium or deposit note given or to be given to such Company or to any agent or officer thereof shall remain in arrear and unpaid for thirty days after the same shall be payable, the policy of insurance held by the persons, in default shall thereupon become absolutely null and void; provided always that in such case such person shall remain liable to such Company for the amount so in arrear and unpaid; and provided further that it shall be lawful for the Directors of such Company, in their discretion, upon payment of such sum and on such terms and conditions as they shall think proper, to waive the said forfeiture of such policy, and thereupon the said policy and the premium or deposit notes shall again be in full force; Provided that in all future policies to be issued by such Company this section shall be written or endorsed thereon.

Proviso: party to remain liable.

Proviso: Company may waive forfeiture.

Proviso.

Con. Stat. U. C. c. 52 sect 43 amended.

6. Section forty-three of the said Act is hereby amended by inserting after the word "resignation" on the second line thereof the words "ceasing to have the necessary qualification under section thirty-eight, Insolvency, or being four months continuously absent from Board Meetings without leave of the Board."

C A P . X X X V I I I .

An Act to make further provisions for the management of Permanent Building Societies in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it is expedient to make further provisions for the management of Permanent Building Societies in Upper Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Directors may close sub-

1. It shall be lawful for the Directors of any Permanent Building Society in Upper Canada, at any time and from time to

to time as they may think expedient, by resolution, to close for any specified time, or until further order, the subscription of shares to be held for investment in the Society, and thereafter, until the expiration of such specified time, or until such further order, no new shares shall be subscribed for investment in the Society; Provided always, that such new issue of shares shall be allotted to the then existing shareholders *pro rata*, as nearly as possible without fractions, but in case such new shares be not taken up within thirty days, then the said shares, or the remaining shares shall be sold, and any premium thereon applied to the general benefit of the Society.

scription of shares.

Proviso.

2. It shall be lawful for the members entitled to vote, at any time by resolution to be passed at any special or general meeting, for which meeting, notice of such intended resolution shall have been duly given, according to the seventeenth section of chapter fifty-three of the Consolidated Statutes for Upper Canada, to determine that no new shares shall thereafter be subscribed for investment in any such Society; and thereafter no new shares for investment shall at any time be subscribed therein, and the subscription of such shares shall cease for ever.

Members may determine at a general or special meeting to close subscription of shares.

3. Nothing done under the preceding clauses of this Act shall have the effect of preventing any such society from creating, as it otherwise might, any share or shares to be immediately advanced to the subscriber or subscribers thereof, or of preventing any person from subscribing, as he otherwise might, for any share or shares, in order immediately to obtain the advance thereof from such Society by giving security therefor.

Shares to be immediately advanced excepted.

4. Any member entitled to vote at any meeting of any Permanent Building Society, held under the thirty-seventh section of chapter fifty-three of the Consolidated Statutes for Upper Canada, may be represented and vote at such meeting by his proxy, such proxy being a member of such Society.

Members may vote by proxy.

5. It shall be lawful at any general meeting, convened under section seventeen of the fifty-third chapter of the Consolidated Statutes for Upper Canada, for two-thirds of the shareholders there present in person, or by proxy, representing not less than one half the amount paid up on investing shares, to alter, repeal or amend any of the rules or by-laws of such Society.

Quorum of members for altering By-laws.

6. It shall be the duty of the Secretary or Treasurer, and the President or Vice-President of every such society, to make yearly returns; upon oath, to the Auditor of Public Accounts, of the affairs of such Society, in such manner as may be by him prescribed, stating therein the mode by which the assets of such Society are valued.

Yearly returns to the Auditor of Public Accounts.

Sect. 39 of c. 53, Con. Stat. U. C. amended as to paying up shares in full.

As to borrowing money.

Inconsistent provisions repealed.

7. The thirty-ninth section of chapter fifty-three, above mentioned, shall be amended by adding the following proviso thereto: "Provided always, that any share or shares may, at any time, be paid up in full and capitalized at once, as permanent stock, and any such share or shares heretofore paid in full, or in part, shall be as valid as if the same had been paid by periodical or other subscription; Provided, also, that no such Society hereafter to be established shall borrow money or receive deposits until not less than one hundred thousand dollars of stock shall have been subscribed, and not less than forty thousand dollars shall have been actually paid thereon."

8. All provisions of all former Acts which may be inconsistent with this Act shall be held and taken to be by this Act amended, so far as may be necessary to render them consistent with this Act.

C A P . X X X I X .

An Act to impose a tax on Dogs, and to provide for the better protection of Sheep in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Taxes imposed on dogs in U. C.

1. There shall be levied annually in every Municipality in Upper Canada, upon the owner of each Dog therein, an annual tax of one dollar for such animal.

Assessors to ascertain owners of dogs and amount of taxes.

2. The assessors of every Municipality, at the time of making their Annual Assessments, shall ascertain the number of dogs liable to be taxed, and shall enter in lists to be made by them, the name of every person in their respective Municipalities then owning or keeping any dog subject to the above tax, the number of dogs kept by such person, and the whole amount of tax to be paid by him.

Owners to give the required information.

3. The owner or possessor of every dog liable to such tax, shall, when required by the assessor, deliver him a description, in writing, of every such dog owned or possessed by him, and for every neglect or refusal to do so, and for every false statement made in any description so furnished, such owner or possessor shall incur a penalty of five dollars, to be recovered by the clerk of the municipality before any court of competent jurisdiction.

Penalty for default.

Assessors to give lists to the Collectors who

4. The Assessors of every Municipality shall, within the time required by law for the completion of their assessment rolls of real and personal property, make out a duplicate of the lists.

lists so by them made, containing the names of the owners and possessors of dogs liable to taxation under this Act, with the amount payable by each person, and shall annex thereto a direction to the collector of the municipality to levy, raise and collect the several sums in such lists specified, of the persons respectively opposite to whose names the said sums shall be set, according to law, and pay over the same to the Clerk or Treasurer, as may be directed by the municipality; and such lists shall be signed by the assessors, and shall be by them immediately delivered to the collector.

are to collect the tax.

5. The collector to whom any such lists shall be delivered, shall proceed to the collection of the sums of money therein specified, in the same manner and with the like authority, in all respects, as in the collection of other taxes imposed in the municipality, and shall pay the same to the Clerk or Treasurer, as may be directed by the municipality; and the same remedies to compel such collection and the payment of the moneys collected may be had against such collectors and their sureties, as in the case of other taxes levied in the municipality.

Duty and powers of collector, the same as with respect to other taxes.

6. The moneys so collected and paid to the Clerk or Treasurer of any Municipality, shall constitute a fund for satisfying such damages as may arise in any year, from dogs killing or injuring sheep in such municipality, and the residue, if any, shall form part of the assets of the municipality for the general purposes thereof.

Moneys collected to be a fund for paying damages done by dogs.

7. The owner or possessor of any dog that shall kill, wound or otherwise injure any sheep or lamb, shall be liable for the value of such sheep or lamb to the owner thereof, without proving notice to the owner or possessor of such dog, or knowledge by him, that his dog was mischievous or disposed to kill sheep.

Owner of dog killing sheep liable without notice.

8. The owner of any sheep or lamb that may be killed or injured by any dog, may apply to any two justices of the peace in the municipality, who shall enquire into the matter and view the sheep injured or killed, and may examine witnesses upon oath in relation thereto; and if such justices of the peace are satisfied that such sheep or lamb was killed or hurt only by dogs, and in no other way, they shall certify such fact, the number of the sheep or lambs killed or hurt, and the amount of the damages sustained thereby by the owner, together with the value of the sheep or lambs hurt or killed.

Two Justices may inquire concerning injury to sheep by dogs.

Their certificate.

9. Such certificate shall be *prima facie* evidence of the facts therein contained in any suit that may be brought by the party injured against the owner or possessor of any dog, if it shall appear on the trial of such suit that due notice was given to the owner of the dog of the intended application to the Justices of the Peace.

Certificate to be evidence in suit for damages.

If the party liable cannot be found or fail to pay.

Application to the Municipality.

10. If the party injured cannot discover the owner or possessor of the dogs by which such damage was done, or shall fail to recover the value of the sheep killed or injured from such owner or possessor, he may apply to the Clerk of the municipality, and upon production to him of the certificate of the Justices of the Peace, made as aforesaid, and the affidavit of the party injured that he has not been able to discover such owner or possessor, or that he has failed to recover the damages from such owner or possessor, such Clerk shall lay the same before the Municipal Council at its next meeting.

Municipal Council on due proof shall pay damages out of fund under Sec. 6.

11. The Municipal Council shall issue its order on the Treasurer for the amount of the damages appearing by the certificate of the Justices of the Peace, to have been sustained by the owner of any sheep killed or injured by dogs, when they shall be satisfied that the owner or possessor of such dogs cannot be discovered, or that the party injured has failed to recover such damages of such owner or possessor; and such amount shall be paid by the Treasurer from and out of the fund constituted by the sixth section of this Act, and from no other fund whatsoever.

Owner to repay the money if he afterwards recovers damages.

12. If, after receiving the amount of such damages from the Treasurer of the Municipality, the owner of the sheep so killed or injured, shall recover the value thereof, or any part of such value from the owner or possessor of any dog, he shall refund and repay to the Treasurer of the Municipality the sum so received from him, and it shall be the duty of the Clerk of the Municipality to bring an action against such owner to recover such amount, and such amount when recovered shall form part of the fund constituted by the sixth section of this Act.

Dogs seen chasing sheep may be killed.

13. Any person may kill any dog which he may see chasing, worrying or wounding any sheep, unless the same shall be done by the direction or permission of the owner of the sheep or of his servant.

Owner of such dog to kill him on notice.

14. The owner or possessor of any dog, to whom notice shall be given, of any injury done by his dog to any sheep, or of his dog having chased or worried any sheep, shall, within forty-eight hours after such notice, cause such dog to be killed; and for every neglect so to do, he shall forfeit a sum of two dollars and fifty cents, and a further sum of one dollar and twenty-five cents for every forty-eight hours thereafter, until such dog be killed; provided, that it shall be proved to the satisfaction of the Court, before which a suit shall be brought for the recovery of such penalties, that such dog has chased, worried or otherwise injured such sheep; and provided also, that no such penalties shall be enforced in case it shall appear to the satisfaction of such Court, that it was not in the power of such owner or possessor to kill such dog.

Penalty for default.

Proviso: as to proof of fact.

Proviso: if owner cannot kill his dog.

15. Upon complaint being made to the Clerk of any Municipality, of any penalties imposed by this Act having been incurred, he shall commence a suit for the recovery thereof, in his name of office, and shall prosecute the same with due diligence; and all moneys recovered shall be by him added to the fund constituted by the sixth section of this Act, for the satisfaction of damages sustained by owners of sheep.

Duty of Township Clerk to sue for penalties.

16. Every person in possession of any dog, or who shall suffer any dog to remain about his house or premises for the space of twenty days previous to the assessment of a tax, or previous to any injury, chasing or worrying of sheep or any such attack made by such dog, shall be deemed the owner of such dog for all the purposes of this Act.

Persons harbouring dogs to be deemed owners thereof.

17. This Act shall apply only to Upper Canada.

Act limited to U. C.

C A P . X L .

An Act to prevent the spreading of Canada Thistles in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. It shall be the duty of every occupant of land in Upper Canada, to cut, or to cause to be cut down all the Canada thistles growing thereon, so often in each and every year as shall be sufficient to prevent them going to seed; and if any owner, possessor, or occupier of land shall knowingly suffer any Canada thistles to grow thereon and the seed to ripen so as to cause or endanger the spread thereof, he shall upon conviction be liable to a fine of not less than two nor more than ten dollars for every such offence.

Owners of land to cut down thistles growing on their lands.

Penalty.

2. It shall be the duty of the Overseers of Highways in any Municipality to see that the provisions of this Act are carried out within their respective highway divisions, by cutting or causing to be cut all the Canada thistles growing on the highways or road allowances within their respective divisions, and every such overseer shall give notice in writing to the owner, possessor, or occupier of any land within the said division whereon Canada thistles shall be growing and in danger of going to seed, requiring him to cause the same to be cut down within five days from the service of such notice; And in case such owner, possessor or occupier, shall refuse or neglect to cut down the said Canada thistles, within the period aforesaid, the said Overseer of Highways shall enter upon the land and cause such Canada thistles to be cut down with as little damage

Duty of overseers of Highways under this Act.

Proviso : as to lands sown with grain.
Proviso : as to non-resident lands.

damage to growing crops as may be, and he shall not be liable to be sued in action of trespass therefor; Provided that no such Overseer of Highways shall have power to enter upon or cut thistles on any land sown with grain; provided also, that where such Canada thistles are growing upon non-resident lands, it shall not be necessary to give any notice before proceeding to cut down the same.

Clerks of Municipalities to warn Station Masters to cut down thistles on Railways.

3. It shall be the duty of the Clerk of any Municipality in which Railway property is situated, to give notice in writing to the Station Master of said Railway resident in or nearest to the said Municipality requiring him to cause all the Canada thistles growing upon the property of the said Railway Company within the limits of the said Municipality to be cut down as provided for in the first section of this Act, and in case such Station Master shall refuse or neglect to have the said Canada thistles cut down within ten days from the time of service of the said notice, then the Overseers of Highways of the said Municipality shall enter upon the property of the said Railway Company and cause such Canada thistles to be cut down, and the expense incurred in carrying out the provisions of this section shall be provided for in the same manner as in the next following section of this Act.

Penalty.

Account of expenses to be kept by overseer.

4. Each Overseer of Highways shall keep an accurate account of the expense incurred by him in carrying out the provisions of the preceding sections of this Act, with respect to each parcel of land entered upon therefor, and shall deliver a statement of such expenses, describing by its legal description the land entered upon, and verified by oath, to the owner, possessor, or occupier of such resident lands, requiring him to pay the amount; in case such owner, possessor, or occupier of such resident lands shall refuse or neglect to pay the same within thirty days after such application, the said claim shall be presented to the Municipal Council of the Corporation in which such expense was incurred, and the said Council is hereby authorized and required to credit and allow such claim, and order the same to be paid from the funds for general purposes of the said Municipality; the said Overseer of Highways shall also present to the said Council a similar statement of the expenses incurred by him in carrying out the provisions of the said section upon any non-resident lands; and the said Council is hereby authorized and empowered to audit and allow the same in like manner; Provided always that if any owner, occupant, or possessor, amenable under the provisions of this Act, shall deem such expense excessive, an appeal may be had to the said Council (if made within thirty days after delivery of such statement) and the said Council shall determine the matter in dispute.

If the owners refuse to pay.

Proviso: appeal allowed.

How expenses shall be collected.

5. The Municipal Council of the Corporation shall cause all such sums as have been so paid under the provisions of this Act,

Act, to be severally levied on the lands described in the statement of the Overseers of Highways, and to be collected in the same manner as other taxes; and the same when collected shall be paid into the Treasury of the said Corporation to reimburse the outlay therefrom aforesaid.

6. Any person who shall knowingly vend any grass or other seed among which there is any seed of the Canada thistle, shall for every such offence, upon conviction, be liable to a fine of not less than two nor more than ten dollars. Penalty on sale of any seed mixed with thistle seed.

7. Every Overseer of Highways or other officer who shall refuse or neglect to discharge the duties imposed on him by this Act, shall be liable to a fine of not less than ten nor more than twenty dollars. Penalty on overseer neglecting his duty.

8. Every offence against the provisions of this Act shall be punished, and the penalty hereby enforced for each offence shall be recovered and levied, on conviction, before any Justice of the Peace; and all fines imposed shall be paid into the Treasury of the Municipality in which such conviction takes place. Recovery of penalties.

C A P . X L I .

An Act respecting the Civil Code of Lower Canada.

[Assented to 18th September, 1865.]

WHEREAS the Commissioners appointed under the second Chapter of the Consolidated Statutes for Lower Canada, to codify the Laws of that division of the Province in Civil Matters, have completed that portion of their work mentioned in the said Act as the *Civil Code of Lower Canada*, embodying therein such provisions only as they hold to be now actually in force, and giving the authorities on which they believe them to be so, and have suggested such amendments as they think desirable, stating such amendments separately and distinctly, with the reasons on which they are founded; and have in all respects complied with the requirements of the said Act as regards the said Code and amendments; and whereas the said Code with the amendments suggested by the said Commissioners, has, by command of the Governor, been laid before the Legislature, in order that the said Code, with such amendments as may be adopted by the Legislature, may be made law by enactment; and whereas such of the amendments suggested by the commissioners, and such other amendments, as are mentioned in the resolutions contained in the Schedule hereunto annexed, have been finally agreed to by both Houses: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Canada, enacts as follows:

1. The printed roll attested as that of the said *Civil Code of Lower Canada*, under the signature of His Excellency the Governor Attested printed Roll of Civil

Code of Lower Canada to be deemed the original as to marginal notes, &c.

Governor General, that of the Clerk of the Legislative Council, and that of the Clerk of the Legislative Assembly, and deposited in the office of the Clerk of the Legislative Council, shall be held to be the original thereof reported by the Commissioners as containing the existing law without amendment; but the marginal notes, and the references to existing laws or authorities at the foot of the several articles of the said Code, shall form no part thereof, and shall be held to have been inserted for convenience of reference only, and may be omitted or corrected.

Amendments to be incorporated by the Commissioners.

2. The Commissioners under the Act mentioned in the preamble of this Act, shall incorporate the amendments mentioned in the resolutions contained in the Schedule to this Act with the said Civil Code as contained in the roll aforesaid, adapting their form and language (when necessary) to those of the said Code, but without changing their effect, inserting them in their proper places, and striking out of the said Code any part thereof inconsistent with the said amendments.

Acts of present and now last sessions may also be incorporated.

3. The Governor may also select any Acts and parts of Acts passed during the session now last past and the present session, which he may deem it advisable to be incorporated with the said Code, and may cause them to be so incorporated by the said Commissioners, in the manner hereinbefore prescribed with respect to the amendments above mentioned, striking out of the Code or amendments any part thereof inconsistent with the Acts or parts of Acts incorporated therewith.

What changes the Commissioners may make.

4. The Commissioners may alter the numbering of the Titles and Articles of the said Code or their order, if need be, and make the necessary changes in any reference from one part of the Code to another, and may correct any misprint or error whether of commission or omission, or any contradiction or ambiguity in the original Roll, but without changing its effect.

Reprinting of Code as finally corrected.

5. So soon as the said work of incorporation and correction shall have been completed, the said Commissioners shall cause the Code to be reprinted as amended and corrected, carefully distinguishing in such reprint the substantive amendments and additions made in or to the original Roll, and shall submit the same to the Governor, who may cause a correct printed Roll thereof, attested under his signature and countersigned by the Provincial Secretary, to be deposited in the office of the Clerk of the Legislative Council, which Roll shall be held to be the original thereof; any such marginal notes or references thereon as are mentioned in Section one, being held to form no part thereof, but to be inserted for convenience of reference only.

Deposit of attested copy as to marginal notes, &c.

6. The Governor in Council may after such deposit of the Roll last mentioned, declare by Proclamation the day on, from and

Code to be brought into

and after which the said Code as contained in the said Roll shall come into force and have effect as law, by the designation of "The Civil Code of Lower Canada," and upon, from and after such day the said Code shall be in force accordingly.

force by Proclamation.

7. The laws relating to the distribution of the printed copies of the Statutes shall not apply to the said Code, which shall be distributed in such numbers and to such persons only as the Governor in Council may direct.

How to be distributed.

8. This Act and the Proclamation mentioned in section six, shall be printed with the copies of the said Code printed for distribution as aforesaid.

This Act and the proclamation to be printed with the Code.

9. So much of the Act cited in the Preamble as may be inconsistent with this Act is hereby repealed.

Inconsistent enactments repealed.

SCHEDULE.

RESOLUTIONS

Containing the amendments to be made in the printed ROLL of the Civil Code of Lower Canada, and referred to in the foregoing Act.

BOOK III.

TITLE THIRD.

OF OBLIGATIONS.

RESOLVED—

1. That article 25 be struck out and the following inserted instead thereof:

25. A minor is not relievable from the stipulations contained in his marriage contract, when they have been made with the consent and assistance of those whose consent is required for the validity of his marriage.

2. That article 29 be struck out and the following inserted instead thereof:

29. When all the formalities required with respect to minors or interdicted persons for the alienation of immoveable property, or the partition of a succession, have been observed, such contracts and acts have the same force and effect as if they had

had been executed by persons of the age of majority and free from interdiction.

3. That article 31 be struck out and the following inserted instead thereof :

31. Persons of the age of majority are not entitled to relief from their contracts for cause of lesion only.

4. That article 44 be struck out and the following inserted instead thereof :

44. A contract for the alienation of a thing certain and determinate makes the purchaser owner of the thing by the consent alone of the parties, although no delivery be made.

The foregoing rule is subject to the special provisions contained in this code concerning the transfer and registry of vessels.

The safe-keeping and risk of the thing before delivery are subject to the general rules contained in the chapters *Of the effect of obligations* and *Of the extinction of obligations* in this title.

5. That after article 45 the following be inserted :

46. (42.) The rules contained in the two last preceding articles, apply as well to third persons as to the contracting parties in contracts for the transfer of immoveable property, subject to the special provisions contained in this code for the registration of titles to and claims upon such property.

But if a party oblige himself successively to two persons to deliver to each of them a thing which is purely moveable property, that one of the two who has been put in actual possession is preferred and remains owner of the thing, although his title be posterior in date ; provided, however, that his possession be in good faith.

6. That after article 58, the following be inserted :

60. (65.) No contract or payment can be avoided by reason of any thing contained in this section, at the suit of any individual creditor, unless such suit be brought within one year from the time of his obtaining a knowledge thereof.

If the suit be by assignees or other representatives of the creditors collectively, it must be brought within a year from the time of their appointment ;

7. That article 67 be struck out and the following inserted instead thereof :

67. He who receives what is not due to him, through error of law or of fact, is bound to restore it ; or if it cannot be restored in kind, to give the value of it.

If the person receiving be in good faith, he is not obliged to restore the profits of the thing received.

8. That article 84 be struck out and the following inserted instead thereof :

84. The obligation to keep the thing safely obliges the person charged therewith to keep it with all the care of a prudent administrator.

9. That after article 88, the following be inserted :

89. (95.) In all contracts of a commercial nature in which the time of performance is fixed, the debtor is put in default by the mere lapse of such time.

10. That article 96 be struck out and the following inserted instead thereof :

96. When it is stipulated that a certain sum shall be paid for damages for the inexecution of an obligation, such sum and no other, either greater or less, shall be allowed to the creditor for such damages.

But if the obligation have been performed in part, to the benefit of the creditor and the time for its complete performance be not material, the stipulated sum may be reduced ; unless there be a special agreement to the contrary.

11. That article 121 be struck out and the following inserted instead thereof :

121. The debtor has the option of paying to either of the joint and several creditors, so long as he is not prevented by a suit instituted by one of them.

Nevertheless, if one of the creditors release the debt, the debtor is discharged for the part only of such creditor. The same rule applies to all cases in which the debt is extinguished otherwise than by actual payment ; subject to the rules applicable to commercial partnerships:

12. That article 135 be struck out and the following inserted instead thereof :

135. The creditor who receives separately and without reserve the share of one of the codebtors in the arrears or interest of the debt, loses his joint and several right only for the arrears and interests accrued, and not for those which may in future accrue, nor for the capital, unless the separate payment have been continued during ten consecutive years.

13. That article 142 be struck out and the following inserted instead thereof :

142. The rule established in the last preceding article is subject to exception with respect to the heirs and legal representatives of the debtor, and the obligation must be performed as if it were indivisible, in the three following cases :

1. When the object of the obligation is a certain specific thing of which one of them is in possession ;
2. When one of them alone is charged by the title with the performance of the obligation ;

3. When it results either from the nature of the contract or of the thing which is the object of it, or from the end proposed by it, that the intention of the contracting parties was that the obligation should not be performed in parts.

In the first case, he who possesses the thing due,—in the second case, he who is alone charged,—and in the third case, each of the coheirs or legal representatives, may be sued for the whole thing due; saving in all cases the recourse of the one sued against the others.

14. That article 154 be struck out and the following inserted instead thereof :

154. The amount of the penalty cannot be reduced by the court.

But if the obligation have been performed in part to the benefit of the creditor, and the time fixed for its complete performance be not material, the penalty may be reduced; unless there be a special agreement to the contrary.

15. That article 168 be struck out and the following inserted instead thereof :

168. A debtor cannot compel his creditor to receive payment of his debt in parts, even if the debt be divisible.

Nor can the court in any case by its judgment order a debt actually payable to be paid by instalments without the consent of the creditor.

16. That article 174 be struck out and the following inserted instead thereof :

174. Subrogation is conventional :

1. When the creditor, on receiving payment from a third person, subrogates him in all his rights against the debtor. This subrogation must be express and made at the same time as the payment.

2. When the debtor borrows a sum for the purpose of paying his debt, and of subrogating the lender in the rights of the creditor. It is necessary to the validity of the subrogation in this case, that the act of loan and the acquittance be notarial or be executed before two subscribing witnesses; that in the act of loan it be declared that the sum has been borrowed for the purpose of paying the debt, and that in the acquittance it be declared that the payment has been made with the moneys furnished by the new creditor for that purpose. This subrogation takes effect without the consent of the creditor.

If the act of loan and the acquittance be executed before witnesses, the subrogation takes effect against third persons from the date only of their registration, which is to be made in the manner and according to the rules provided by law for the registration of hypothecs.

17. That article 175 be struck out and the following inserted instead thereof :

175. Subrogation takes place by the sole operation of law and without demand :

1. In favor of a creditor who pays another creditor whose claim is preferable to his by reason of privilege or hypothec;
2. In favor of the purchaser of immoveable property who pays a creditor to whom the property is hypothecated;
3. In favor of a party who pays a debt for which he is held with others or for others, and has an interest in paying it;
4. In favor of a beneficiary heir who pays a debt of the succession with his own moneys;
5. When a rent or debt due by one consort alone has been redeemed or paid with the moneys of the community; in this case the other consort is subrogated in the rights of the creditor according to the share of such consort in the community.

18. That after article 182, the following be inserted:

183. (193a.) If, by the terms of the obligation or by law, payment is to be made at the domicile of the debtor, a notification in writing by him to the creditor that he is ready to make payment has the same effect as an actual tender, provided that in any action afterwards brought the debtor make proof that he had the money or thing due ready for the payment at the time and place when and where the same was payable.

19. That article 205 be struck out and the following inserted instead thereof:

205. That which the creditor receives from a surety as a consideration for releasing him from his suretyship is not to be imputed in discharge of the principal debtor, or of the other sureties, except, as regards the latter, in cases in which they have a recourse upon the one released, and to the extent of such recourse.

20. That article 227 be struck out and the following inserted instead thereof:

227. A notarial instrument received before one notary is authentic, if signed by all the parties.

If the parties or any one of them be unable to sign, it is necessary to the authenticity of the instrument that it be received before one notary in the actual presence of another subscribing notary or of a subscribing witness.

The witnesses must be males, not less than twenty-one years of age, of sound mind, not related to either of the parties within the degree of cousin-german, without interest in the instrument, not civilly dead, and not deemed infamous by law. Aliens may act as such witnesses.

This article is subject to the provisions contained in the next following article, and to those relating to wills.

21. That article 240 be struck out and the following inserted instead thereof:

240. A writing which is not authentic by reason of any defect of form, or of the incompetency of the officer, avails as a private writing, if it have been signed by all the parties; saving

saving the provisions contained in article 146 of the title *Of gifts inter vivos and by will.*

22. That paragraph 2, of article 252 be struck out and the following inserted instead thereof :

2. In all matters in which the principal sum of money or value in question does not exceed fifty dollars.

23. That article 254 be struck out and the following inserted instead thereof :

254. In commercial matters in which the sum of money or value in question exceeds fifty dollars, no action or exception can be maintained against any party or his representatives unless there be a writing signed by the former, in the following cases :

1. Upon any promise or acknowledgment whereby a debt is taken out of the operation of the law respecting the limitation of actions ;

2. Upon any promise or ratification made by a person of the age of majority of any obligation contracted during his minority ;

3. Upon any representation or assurance in favor of a person to enable him to obtain credit, money or goods thereupon ;

4. Upon any contract for the sale of goods, unless the buyer have accepted or received part of the goods or given something in earnest to bind the bargain ;

The foregoing rule applies, although the goods be intended to be delivered at some future time or are not at the time of the contract ready for delivery.

24. That article 255 be struck out and the following inserted instead thereof :

255. In any action for the recovery of a sum which does not exceed fifty dollars, proof by testimony cannot be received if such sum be a balance or make part of a debt under a contract which cannot be proved by testimony.

The creditor may, nevertheless, prove by testimony a promise made by the debtor to pay such balance, when it does not exceed fifty dollars.

25. That article 256 be struck out and the following inserted instead thereof :

256. If in the same action several sums be demanded which united form a sum exceeding fifty dollars, proof by testimony may be received, if the debts have arisen from different causes or have been contracted at different times, and each were originally for a sum less than fifty dollars.

26. That paragraph 1 of article 272 be struck out and the following inserted instead thereof :

1. If offered by one of joint and several creditors, to the debtor, it avails the latter for the part only of such creditor subject,

subject, nevertheless, to the special rules applicable to commercial partnerships.

BOOK FIRST.

TITLE FIRST.

OF THE ENJOYMENT AND LOSS OF CIVIL RIGHTS.

RESOLVED :—

27. That article 14 be struck out, and the following be inserted instead thereof :

14. Civil rights are lost :

1. In the cases provided for by the laws of the British Empire ;
2. By civil death.

28. That article 15 be struck out.

29. That article 17 be struck out, and the following inserted instead thereof :

17. Civil death results from condemnation to certain corporal punishments.

30. That article 20 be worded as follows :

20. The disabilities which result as regards persons professing the Catholic religion, from religious profession by solemn and perpetual vows, made by such persons, in a religious community recognized at the time of the cession of Canada to England, and subsequently approved, remain subject to the laws by which they were governed at that period.

TITLE SECOND.

OF ACTS OF CIVIL STATUS.

RESOLVED :—

31. That articles 33a and 33b be omitted.

32. That after article 33c, the following be inserted :

33d. These registers are numbered and initialed like the other registers of civil status, and the acts are inscribed therein in the manner prescribed in article six of the present title.

33. That after article 43a, the following be inserted :

43b. If an act which ought to have been inserted in the register be entirely omitted, the same court may, at the instance of one of the parties interested, the other being called, order that such omission be supplied, and the judgment so ordering, is inscribed on the margin of the said register, at the place where the act so omitted ought to have been entered, and if there.

there be no margin, then on a sheet of paper which remains annexed thereto.

TITLE FOURTH.

OF ABSENTEES.

RESOLVED :—

34. That article 9 be struck out and the following inserted instead thereof :

9. Whenever a person has ceased to appear at his domicile or place of residence, and has not been heard of for a period of five years, his presumptive heirs at the time of his departure or of the latest intelligence received, may obtain from the court provisional possession of his property, on giving security for their due administration.

35. That after article 13 the following be inserted :

14. Those who have obtained provisional possession must likewise have the immoveable property visited by skilled persons for the purpose of ascertaining its condition. Their report is homologated by the court, and the costs are paid out of the absentee's property.

TITLE FIFTH.

OF MARRIAGE.

RESOLVED :—

36. That after article 16a, the following be inserted :

16b. If this last domicile be out of Lower Canada, and the publications have not been made there, the officer who, in that case, celebrates the marriage, is bound to ascertain that there is no legal impediment between the parties.

37. That after article 24, the following be inserted :

25. If a party about to be married, being of the age of majority, be insane, and not interdicted, the following persons may oppose the marriage in the following order :

1. His father, and in his default, his mother ;
2. In default of both father and mother, his grandfathers and grandmothers ;
3. In default of the latter, his brothers or sisters, uncles or aunts, or cousins-germain, of the age of majority ;
4. In default of all the above, those related or allied to such party who are qualified to take part in the meeting of a family council, which should be consulted as to his interdiction.

38. That after article 26, the following be inserted :

27. Whatever may be the quality of the opposant, it is his duty to adopt and follow up the formalities and proceedings necessary to have his opposition brought before the court and decided within the legal delays, any demand for its dismissal

not

not being required; in default of his so doing, the opposition is regarded as never having been made, and the marriage ceremony is proceeded with, notwithstanding.

39. That after article 33, the following be inserted:

34. In the cases of the preceding article, the party who has continued cohabitation during six months after having acquired full liberty or become aware of the error, cannot seek the nullity of the marriage.

40. That after article 35, the following be inserted:

36. In the cases of the three preceding articles, an action for annulling marriage cannot be brought by the husband or wife, tutor or curator, or by the relations whose consent is required, if the marriage have been either expressly or tacitly approved of by those whose consent was necessary; nor if six months have been allowed to elapse without complaint on their part, since they became aware that the marriage had taken place.

41. That after article 42, the following be inserted:

43. If the publications required were not made, or their omission supplied by means of a dispensation or license, or if the legal or usual intervals for the publications or the celebration have not elapsed, the officer celebrating the marriage under such circumstances is liable to a penalty not exceeding five hundred dollars.

42. That after article 43, the following be inserted:

44. The penalty imposed by the preceding article is in like manner incurred by any officer who, in the execution of the duty imposed upon him, or which he has undertaken, touching the celebration of a marriage, contravenes the rules prescribed, in this respect, by the different articles of the present title.

TITLE SIXTH.

OF SEPARATION FROM BED AND BOARD.

RESOLVED:—

43. That after article 18a, the following be inserted:

19. If the wife leave the place of residence assigned to her without the permission of the court or judge, the husband may claim to be liberated from the payment of the alimentary pension, and even have her action dismissed, saving her recourse, should she refuse to obey the order given her to return within a given delay to the place she has thus quitted.

44. That after article 25 the following be inserted:

26. The separation renders the wife capable of suing and being sued, and of contracting alone, for all that regards the administration

administration of her property; but for all acts and suits tending to alienate her immovable property, she requires the authorization of a judge.

TITLE SEVENTH

OF FILIATION.

RESOLVED :—

45. That after article 5, the three following be inserted :

7. In all the cases where the husband may disown the child, he must do so :

1. Within two months, if he be in the place at the time of the birth ;

2. Within two months after his return, if absent at the time of the birth ;

3. Within two months of the discovery of the fraud if the birth have been concealed from him.

8. If the husband die before disowning the child, but still being within the delay allowed for so doing, the heirs have two months to contest the legitimacy of the child from the time he has taken possession of the property of the husband, or from the time that the heirs have been disturbed by him in their possession.

9. Such disavowal, on the part of the husband or of his heirs, must be made by an action at law, directed against the tutor, or tutor *ad hoc*, appointed to the child, if he be a minor; and the mother, if living, must be made a party to the action.

TITLE NINTH.

OF MINORITY, TUTORSHIP AND EMANCIPATION.

RESOLVED :—

46. That article 33 be struck out and the following inserted instead thereof :

33. Two tutorships are, for any person, a sufficient reason for refusing to accept a third, other than that of his children. A husband or father, who is already charged with one tutorship, is not bound to accept a second, unless it be that of his own children.

47. That article 60 be struck out and the following inserted instead thereof :

60. The tutor cannot accept or renounce a succession, which falls to the minor, without the previous authorization of the judge, on the advice of a family council. The acceptance can only be made under benefit of inventory. Accompanied by these formalities the acceptance or renunciation has the same effect as if made by a person of age.

48. That after article 60, the following be inserted :

61. In any case where a succession renounced in the name of a minor has not been accepted by any one else, it may be afterwards accepted either by the tutor authorized by the judge, on the advice of a family council consulted anew, or by the minor become of age ; but it is so taken in the state in which it is then, and the sales or other acts legally made during the vacancy cannot be questioned.

49. That article 63a be struck out and the following inserted instead thereof :

63a. Actions belonging to a minor are brought in the name of his tutor, except those for wages, which minors when of the age of fourteen years may bring alone to the amount of fifty dollars.

No action brought by a tutor can be maintained unless he show that the act of tutorship has been registered.

50. That after the article 65 the following be inserted :

65a. A tutor cannot transact in the name of the minor, until he is authorized by the court, by the judge or the prothonotary on the advice of a family council. Accompanied by these formalities, transaction has the same effect as if made with a person of age.

51. That article 77 be struck out and the following inserted instead thereof :

77. An emancipated minor may grant leases, for terms not exceeding nine years ; he may receive his revenues, give receipts therefor, and perform all acts of mere administration. He is not relievable from these acts, except in cases where persons of age would be so.

TITLE TENTH.

OF MAJORITY, INTERDICTION, CURATORSHIP AND OF JUDICIAL ADVISERS.

RESOLVED :—

52. That after article 17, the following be inserted :

17a. No one, with the exception of husband and wife, and ascendants and descendants, is obliged to retain the curatorship of an interdicted person for more than ten years ; at the expiration of that time, the curator may demand and has a right to be replaced by another.

BOOK SECOND.

TITLE FIRST.

OF THE DISTINCTION OF THINGS.

RESOLVED :—

53. That after article 15 the following be inserted :

16. Constituted rents and all other perpetual or life-rents, are also moveable by determination of law; saving those resulting from emphyteusis which are immoveable.

54. That after article 19 *bis*, the following be inserted :

20a. Where the sum for which the redemption of rents, other than life-rents, may take place, is neither fixed by law nor validly agreed upon, the rents are redeemed by the repayment of the original price in capital, or of the value in money put by the parties upon the things which formed the consideration of the rents so created. If such price or such value do not appear, the redemption is effected by the payment of a sum sufficient to produce a like rent for the future, at the legal rate of interest at the time of the redemption.

Special provisions concerning the redemption of the rents substituted for seigniorial rights, are contained in chapter forty-one of the Consolidated Statutes for Lower Canada.”

20b. Life-rents and other temporary rents, at the termination of which no reimbursement of the capital is to take place, are not redeemable at the option of either of the parties alone.

In the twelfth title of the third book, a mode is provided for the redemption of life-rents, when it takes place forcibly under writ.

Temporary rents, other than life-rents, and not subject to reimbursement of the capital, are estimated in like cases, in the same manner as life-rents.

TITLE SECOND.

OF OWNERSHIP.

RESOLVED :—

55. That article 16 be struck out and the following inserted instead thereof:

16a. If a river or stream, whether navigable or not, carry away by sudden force a considerable and distinguishable part of an adjacent field and bear it towards a lower or opposite bank, the proprietor of the part carried away may reclaim it; but he is obliged, on pain of forfeiting his right, to do so within a year, to be reckoned from the possession taken of it by the proprietor of the land to which it has been united.

TITLE FOURTH.

OF REAL SERVITUDES.

RESOLVED :—

56. That article 16 be struck out and the following inserted instead thereof :

16a. Every coproprietor may build against a common wall and place therein joists or beams, to within four inches of the whole thickness of the wall, without prejudice to the right which the neighbour has to force him to reduce the beam to the half thickness of the wall in case he should himself desire to put beams in the same place or to build a chimney against it.

57. That after article 22a the following be inserted :

23. When the different stories of a house belong to different proprietors, if their titles do not regulate the mode of repairing and rebuilding, it must be done as follows :

All the proprietors contribute to the main walls and the roof, each in proportion to the value of the story which belongs to him ;

The proprietor of each story makes the floor under him ;

The proprietor of the first story makes the stairs which lead to it ; the proprietor of the second story makes the stairs which lead from the first to his, and so on.

58. That article 34 be struck out and the following inserted instead thereof :

34a. The following provisions are established for incorporated cities and towns :

1. He who wishes to have a well near the common wall or that belonging to his neighbour, must make a counter-wall of masonry one foot thick ;

2. He who wishes to have a privy near such walls must make a counter-wall of the same kind fifteen inches thick ;

If however there be a well opposite on the neighbouring property the thickness must be twenty-one inches ;

3. When the well or privy is at the distance from the wall determined by municipal regulations and by established and recognized usage, such counter-wall is no longer required. If there be no such regulations or usage the distance is three feet ;

4. He who wishes to have a chimney, hearth or stable, or a store for salt or other corrosive material, near the common wall or the wall belonging to his neighbour, or to raise the ground or heap rubbish against it, is obliged to make a counter-wall or other work, the sufficiency of which is determined by municipal regulations, by established and recognized usage, and, in default of any such, by the courts in each case ;

5. He who wishes to have an oven, forge or furnace, must leave a vacant space of six inches between his own wall and the common wall or that of his neighbour.

59. That after article 34a the following be inserted :

37. The preceding article is substituted for the provisions of anterior laws on the subjects it embraces, which provisions are repealed in so far as they establish contrary rules, and fix different measures and distances in the same cases.

TITLE FIFTH.

OF EMPHYTEUSIS.

RESOLVED :—

60. That article 5 be struck out.

61. That article 6 be struck out and the following inserted instead thereof :

6. Immoveables held under emphyteusis may be seized as real property, under execution against the lessee by his creditors, who may bring them to sale with the formalities of a sheriff's sale.

TITLE NINETEENTH.

OF PRESCRIPTION.

RESOLVED :—

62. That article 8 be struck out and the two following inserted instead thereof :

8a. As regards moveables and personal actions, including bills of exchange and promissory notes, and in commercial matters in general, may be invoked separately or together :

1. Any prescription entirely acquired under a different law when the cause of action did not arise in Lower Canada, or it was not stipulated that the debt should be paid there, and when such prescription has been so acquired before the possessor or the debtor had his domicile there.

2. Any prescription entirely acquired in Lower Canada, from the date of the obligation falling due, when the cause of action arose there or it was stipulated that the debt should be payable there, or the debtor had his domicile there at the time of its falling due ; and in other cases from the date of the acquisition of such domicile by the debtor or possessor.

3. Any prescription resulting from the lapse of successive periods in the cases of the two preceding paragraphs when the time elapsed under the different law has preceded.

9a. Prescriptions which have commenced to run according to the laws of Lower Canada, terminate according to the same laws, without prejudice to the right of invoking those acquired previously under a different law, or by the reunion of time according to both, conformably to the preceding article.

63. That article 10 be struck out.

64. That article 17 be struck out and the following inserted instead thereof :

17a. In case of violence or clandestinity, possession which avails for prescription begins when the defect has ceased.

Nevertheless the thief, his heirs and successors by universal title, cannot prescribe the thing stolen by any length of time.

The successors by particular title do not suffer from these defects in the possession of another, in so far as regards their own possession which has been peaceful and public.

65. That article 21 be struck out and the following inserted instead thereof :

21a. Good faith is always presumed.

He who alleges bad faith must prove it.

66. That article 25 be struck out and the following inserted instead thereof :

25a. Third parties acquiring in good faith, with a title of a nature to transfer property, coming either from the precarious possessor or one subject to a superior domain, or from any other, may prescribe by ten years against the proprietor during the dismemberment or the precarious detention.

Third parties may also prescribe against the proprietor during the dismemberment or the precarious detention, by thirty years with or without title.

67. That article 26 be struck out and the following inserted instead thereof :

26a. In cases of substitution prescription does not take place against the substitute, before the opening of the right, in favor of the person charged, nor of his heirs or successors by universal title.

Prescription runs against the substitute, before the opening of the right, in favor of the third parties, unless he be protected as a minor, or otherwise.

The substitute, against whom this prescription runs, has the benefit of the action of interruption.

The possession of the institute avails the substitute, for the purposes of prescription.

Prescription runs against the institute during the time of his possession and in his favor against third parties.

After the opening, prescription may begin to run in favor of the institute and of his heirs and successors by universal title.

68. That articles 39, 40, 41, 42, be struck out and the following inserted instead thereof :

39a. The acquisitive prescription of corporeal immoveable property not being sacred property, and the liberative prescription which refers to the principal of rents and dues, to legacies, to the rights of hypothec, take place against the church by thirty

thirty years, in the same manner and according to the same rules as against private persons.

Nevertheless purchasers with title and good faith prescribe against the church by ten years as well for acquisition as for liberation in the same way as between private persons.

The acquisitive prescription of corporeal moveables not being sacred, and the other liberative prescriptions, including that of the capital sums, take place against the church as between private persons.

69. That article 64 be struck out and the following inserted instead thereof :

64a. Prescription runs against all persons, unless they be included in some exception established by this code, or unless it be absolutely impossible for them in law or in fact to act by themselves or to be represented by others.

Saving what is declared in the article 121 of this title, prescription does not run, even in favor of third parties purchasing, against those who are not born, nor against minors, idiots madmen or insane persons, with or without tutors or curators. Those to whom a judicial counsel is given, and he who is interdicted for prodigality do not enjoy this privilege.

Prescription runs against absentees as against those present and by the same lapse of time, saving what is declared as to the person put in possession of the estate of an absentee.

70. That article 78 be struck out and the following inserted instead thereof :

78a. Prescription is reckoned by days and not by hours.

Prescription is acquired when the last day of the term is accomplished ; the day on which it commenced is not counted.

71. That article 80 *quater* be struck out and the following inserted instead thereof :

80a. The prescription of thirty years, has, in all prescriptible cases, the same effects as that of a hundred years or of the immemorial prescription, as well for the right, as to cover the defects of title, informalities and want of good faith. What is not prescriptible by thirty years cannot be prescribed either by a hundred years or by any longer space of time.

72. That article 81 be struck out and the following inserted instead thereof :

81a. The possession of a thing or of a right, retained or commenced before the accomplishment of the prescription against him, by any one claiming to be proprietor, preserves for the possessor, as his defence against revendication, the grounds of nullity and the other exceptions which attack the principle of the right pretended against him, or which have destroyed it, notwithstanding the lapse of the time by which the direct action with respect to them is prescribed.

The defendant in every personal action, which continues to exist against him, may also plead, in so far as they apply, the peremptory exceptions which are connected with the demand and which refer to the time it includes, although the time by which the direct action is prescribed has elapsed.

The present article does not apply to the exception which is not connected with the action, or which has not extinguished it of right. Thus compensation can only be set up after the time fixed for prescription, if such compensation has had its effect before its cause was prescribed. It is for him who excepts to establish that his right in regard to the action has applied in his favor or in that of another whom he represents, within the required time and without any acquired prescription then having prevented it.

Under the modifications which precede, compensation, by means of a commercial debt, may also be offered hereafter after the time allowed for prescription.

The adoption of the means offered in defence does not revive the direct action once prescribed.

73. That article 85a be struck out and the following inserted instead thereof :

85b. The term joined by law or by stipulation to the right of redemption is absolute without prescription being required.

It is the same as to the term for exercising the right of the vendor to take back the immoveable, by reason of the price not having been paid.

The right to redeem rents comes from the law ; it is imprescriptible.

74. That articles 88a, 89 and 90, be struck out and the following inserted instead thereof :

88b. With the exception of what is due to the crown, the arrears of rents, including life rents, the arrears of interest, of leases of houses and lands, and generally all arrears of fruits natural and civil are prescribed by five years.

This provision applies to what comes from the emphyteutic lease or other immoveable right, even where there is privilege or hypothec.

The prescription of arrears runs although the principal be imprescriptible on account of its precarious possession.

Prescription of the principal carries with it that of the arrears.

75. That articles 92 and 93 be struck out and the following inserted instead thereof :

92a. He who acquires a corporeal immoveable in good faith and with title, prescribes the property and liberates himself from the servitudes, charges and hypothecs by an effective possession in virtue of such title during ten years.

76. That article 94 be struck out and the following inserted instead thereof :

94a. The third party purchasing with title and in good faith dues or rents acquires the capital by prescription of ten years, by means of an enjoyment exempt from defects, against the creditor who has entirely ceased to enjoy and neglected to act during the required time.

77. That article 96 be struck out and the following inserted instead thereof :

96a. The title which is null from informality cannot serve as a ground for the prescription of ten years.

78. That article 97 be struck out and the following inserted instead thereof :

97a. After the renunciation or the interruption in the prescription of ten years, the prescription of thirty years alone can avail.

79. That article 99 be struck out and the following inserted instead thereof :

99a. The prescription of ten years and the others less than that of thirty years may be invoked separately with this last against the same demand.

80. That article 100 be struck out and the following inserted instead thereof :

100a. In the cases where the prescription of ten years can run, each new holder of an immoveable property burthened with a servitude, charge or hypothec, may be obliged to furnish a new title at his own cost.

81. That article 101 be struck out and the following inserted instead thereof :

101a. The action in restitution of minors for lesion, and that in rescission of contracts for error, fraud, violence or fear are prescribed by ten years.

The time runs in the case of violence or fear from the day they ceased ; and in case of error or fraud from the day they were discovered.

This time only runs with regard to interdicted persons from the day the interdiction is removed, except for the prodigal or him to whom a judicial counsel has been given. It does not run against idiots, madmen and insane persons although not interdicted. It runs against minors only from their majority.

82. That article 103*bis* be struck out and the following inserted instead thereof :

103a. The civil action for bodily injuries, if the case be not otherwise provided for by a special law, is prescribed by one year. That for seduction and the expenses of lying-in is prescribed by the two years. These prescriptions are absolute.

83. That article 104 be amended by substituting *one year* instead of *two years* for the prescription of the actions of house or farm servants and merchants' clerks.

84. That article 105 be struck out and the following inserted instead thereof :

105a. The action of hotel and boarding-house keepers is prescribed by one year.

85. That article 109 be struck out and the following inserted instead thereof :

109a. Prescription is acquired by five years against notaries, advocates and attorneys and against all officers of justice, for their fees, emoluments, services and disbursements, to be reckoned from the final judgment in each case as to advocates and attorneys, and as to the others to be reckoned from the time the payment is exigible.

The oath of the debtor as to the fact of payment may be offered or deferred in those cases, as in all others.

86. That article 110 be struck out and the following inserted instead thereof :

110a. The action against notaries, advocates, attorneys and other officers of justice or depositaries, in virtue of their office, for the remission of papers and titles, is prescribed by five years, to be reckoned from their reception or from the end of the procedure in which they have been used.

87. That articles 111 and 112 be struck out and the following inserted instead thereof :

111a. As to inland and foreign bills of exchange, and promissory notes whether negotiable or not, and in general as to all actions of a commercial nature, prescription is acquired by five years.

Sales of moveable effects made by a trader to one who is not, or by the latter to a trader, are reputed commercial matters and fall within the present article.

Prescription of a note payable on demand runs from its date. Bank notes are not subject to this article.

88. That after article 111a the following be inserted :

111b. Actions arising from sales of moveable effects between persons not traders, although not being commercial matters, are subject hereafter to a prescription of five years.

89. That articles 106 and 107 be struck out and the following inserted instead thereof :

111c. The action of tutors and teachers for instruction and also for board and lodging furnished by them ; that of workmen paid by wages, not reputed domestics, and whose engagement is for a year or more is prescribed by two years ; the action for hire of labour or for price of work either manual, professional

or intellectual, and for the materials furnished, when the prescription is not otherwise provided for by this code, is prescribed by five years, whether the cause or the subject be commercial or not.

90. That after article 111c the following be inserted :

111d. Actions of damages for offences and quasi-offences are prescribed by two years, if there be no other provision applicable.

91. That article 113 be struck out and the following inserted instead thereof :

113a. After the renunciation or the interruption, except as to the prescription of ten years in favor of third parties, prescription commences to run for the same time as before, if there be no novation, saving the rule contained in the following article.

92. That articles 116 and 117 be struck out and an article inserted instead thereof, declaring prescriptions absoluté, as a general rule.

93. That article 119b be struck out and the following inserted instead thereof :

119c. Actual possession of a corporeal moveable, as proprietor, creates a presumption of lawful title. Any party claiming such moveable must prove, besides his own right, the defects in the possession or in the title of the possessor who claims prescription, or who, under the provisions of the present article, is exempt from doing so.

Prescription of corporeal moveables takes place after the lapse of three years, reckoning from the loss of possession, in favor of possessors in good faith, even when the loss of possession has been occasioned by theft.

This prescription is not, however, necessary to prevent revendication, if the thing have been bought in good faith in a fair or market, or at a public sale, or from a trader dealing in similar articles, nor in commercial matters generally ; saving the exception contained in the following paragraph.

Nevertheless, so long as prescription has not been acquired, the thing lost or stolen may be revendicated, although it have been bought in good faith in the cases of the preceding paragraph ; but the revendication in such cases can only take place upon reimbursing the purchaser for the price which he has paid. If the thing have been sold under the authority of law, it cannot, in any case, be revendicated.

The stealer or other violent or clandestine possessor of a thing, and his successors by general title, are debarred from prescribing by articles 16 and 17 of this title.

94. That after article 121 the following be inserted :

SECTION IV.

TRANSITORY PROVISIONS.

122a. Prescriptions begun before the promulgation of this code, must be governed by the former laws.

Nevertheless prescriptions then begun, for which, according to these laws, an 'immemorial' duration or one of a hundred years is required, shall be acquired without respect to such necessity.

TITLE FIFTH.

OF SALE.

RESOLVED :—

95. That article 1 be struck out and the following inserted instead thereof :

1. A sale is a contract by which one party gives a thing to the other for a price in money which the latter obliges himself to pay for it.

It is perfected by the consent alone of the parties, although the thing sold be not then delivered ; subject nevertheless to the provisions contained in article 46 of the title *Of Obligations* and the special rules concerning the transfer of registered ships.

96. That article 13 be struck out and the following inserted instead thereof.

13. The sale of a thing which does not belong to the seller is null, subject to the exceptions declared in the three next following articles. The buyer may recover damages of the seller, if he were ignorant that the thing did not belong to the latter.

97. That after article 13, the following be inserted :

13a. The sale is valid if it be a commercial matter, or if the seller afterwards become owner of the thing.

98. That article 16 be struck out and the following inserted instead thereof :

16. The obligation of the seller to deliver is satisfied when he puts the buyer in actual possession of the thing, or consents to such possession being taken by him, and all hindrances thereto are removed.

99. That article 17 be struck out.

100. That articles 25, 26 and 27 be struck out and the three following articles inserted instead thereof :

25. If an immoveable be sold with a statement, in whatever terms expressed, of its superficial contents, either at a certain rate

rate by measurement, or at a single price for the whole, the seller is obliged to deliver the whole quantity specified in the contract; if such delivery be not possible, the buyer may obtain a diminution of the price according to the value of the quantity not delivered.

If the superficial contents exceed the quantity specified, the buyer must pay for such excess of quantity, or he may at his option give it back to the seller.

26. In either of the cases stated in the last preceding article, if the deficiency or excess of quantity be so great, in comparison with the quantity specified, that it may be presumed the buyer would not have bought if he had known it, he may abandon the sale and recover from the seller the price, if paid, and the expenses of the contract, without prejudice in any case to his claim for damages.

27. The rules contained in the last two preceding articles do not apply, when it clearly appears from the description of the immovable and the terms of the contract that the sale is of a certain determinate thing, without regard to its quantity by measurement, whether such quantity be mentioned or not.

101. That article 42 be struck out and the following inserted instead thereof:

42. If the property sold be charged with a servitude not apparent and not declared, of such importance that it may be presumed the buyer would not have bought, if he had been informed of it, he may vacate the sale or claim indemnity, at his option, and in either case may bring his action so soon as he is informed of the existence of the servitude.

102. That articles 58, 58a, 59 and 60 be struck out and the three following inserted instead thereof:

The seller of an immovable cannot demand the dissolution of the sale by reason of the failure of the buyer to pay the price, unless there be a special stipulation to that effect.

The stipulation and right of dissolution of the sale of an immovable, by reason of non-payment of the price, are subject to the rules relating to the right of redemption contained in articles 63a, 64a, 64b, 64c, 64d and 65 of this title.

This right can in no case be exercised after the expiration of ten years from the time of sale.

The judgment of dissolution by reason of non-payment of the price is pronounced at once, without any delay being granted by it for the payment of the price; nevertheless the buyer may pay the price with interest and costs of suit at any time before the rendering of the judgment.

103. That after article 60c the following be inserted as declaring the law on a doubtful point:

60d. A demand of the price by action or other legal proceeding does not deprive the seller of his right to obtain the dissolution of the sale by reason of non-payment.

104. That article 61 be struck out and the following inserted instead thereof:

61. In the sale of moveable things the buyer is obliged to take them away at the time and place at which they are deliverable. If the price have not been paid, the dissolution of the sale takes place, in favor of the seller, of right and without the intervention of a suit, after the expiration of the delay agreed upon for taking them away, or if there be no such agreement, after the buyer has been put in default in the manner provided in the title *Of Obligations*; without prejudice to the seller's claim for damages.

105. That article 62 be struck out and the following inserted instead thereof;

62. Besides the causes of dissolution and of nullity already declared in this title, and those which are common to contracts, the contract of sale may be dissolved by the exercise of the right of redemption.

106. That article 64 be struck out and the four following inserted instead thereof:

64a. The right of redemption cannot be stipulated for a term exceeding ten years.

If it be stipulated for a longer term, it is reduced to the term of ten years.

64b. The stipulated term is to be strictly observed. It cannot be extended by the court.

64c. If the seller fail to bring a suit for the enforcement of his right of redemption within the stipulated term, the buyer remains absolute owner of the thing sold.

64d. The term runs against all persons, including minors and those otherwise incapable in law, reserving to the latter such recourse as they may be entitled to.

107. That article 87 be struck out and the following inserted instead thereof:

87. The sale of debts and rights of action against third persons, is perfected between the seller and buyer by the completion of the title, if authentic, or the delivery of it, if under private signature.

108. That article 96 be struck out and the following inserted instead thereof:

96. He who sells a right of succession without specifying in detail the property of which it consists is bound by law to warrant only his right as heir.

TITLE SEVENTH.

OF LEASE AND HIRE.

RESOLVED:—

109. That article 7 be struck out and the following inserted instead thereof:

7. Persons holding real property by sufferance of the owner, without

without lease, are held to be lessees, and bound to pay the annual value of the property.

Such holding is regarded as an annual lease or hire terminating on the first day of May of each year, if the property be a house, and on the first day of October, if it be a farm or rural estate.

It is subject to tacit renewal and to all the rules of law applicable to leases.

Persons so holding are liable to ejection for non-payment of rent for a period exceeding three months, and for any other causes for which a lease may be rescinded.

110. That article 47 be struck out and the following inserted instead thereof:

47. If the lease be for a term of two or more years, the lessee is not entitled to claim any reduction of rent in the case stated in the last preceeding article.

111. That article 55a be struck out and the following inserted instead thereof:

55a. The lessor cannot put an end to the lease, for the purpose of occupying himself the premises leased, unless the right to do so has been expressly stipulated, and in such case the lessor must give notice to the lessee according to the rules contained in article 52 and the articles therein referred to; unless it be otherwise stipulated.

112. That article 56 be struck out and the following inserted instead thereof:

56. The lessee cannot, by reason of the alienation of the thing leased, be expelled before the expiration of the lease, by a person who becomes owner of the thing leased under a title derived from the lessor; unless the lease contain a special stipulation to that effect and be registered.

In such case notice must be given to the lessee according to the rules contained in article 52 and the articles therein referred to; unless it be otherwise specially agreed.

113. That article 58 be struck out and the following inserted instead thereof:

58. The lessee who is expelled under a stipulation to that effect is not entitled to recover damages, unless the right to do so be expressly reserved in the lease.

114. That article 60 be struck out.

115. That after article 76a the following be inserted:

77. When an architect or builder undertakes the construction of a building or other works by contract, upon a plan and specifications, at a fixed price, he cannot claim any additional sum upon the ground of a change from the plan and specifications, or of an increase in the labor and materials, unless such

such change or increase be authorized in writing, and the price of them be agreed upon with the proprietor.

TITLE FIRST.

OF SUCCESSIONS.

RESOLVED:—

116. That article 5 be struck out and the following inserted instead thereof:

5a. The law, in regulating a succession, considers neither the origin nor the nature of the property composing it. The whole forms but one inheritance which is transmitted and divided according to uniform rules, or the dispositions made by the proprietor, whose powers to that effect are free from limitation or reservation.

117. That articles 31, 32, 33, *33bis*, 34, 35, 36, 37, 38 and 39 be struck out and the five following articles inserted instead thereof:

39a. If a person dying without issue, leave his father and mother and also brothers or sisters, or nephews or nieces in the first degree, the succession is divided into two equal portions, one of which devolves to the father and mother, who share it equally, and the other to the brothers and sisters, nephews and nieces of the deceased, according to the rules laid down in the following section.

39b. If, in the case of the preceding article, the father or mother had previously died, the share he or she would have received accrues to the survivor of them.

39c. If the deceased leave no issue nor brothers nor sisters, nephews nor nieces in the first degree, nor father nor mother, but only other ascendants, the latter succeed to him to the exclusion of all other collaterals.

39d. In the case of the preceding article the succession is divided equally between the ascendants of the paternal line and those of the maternal line.

The ascendant nearest in degree takes the half accruing to his line to the exclusion of all others.

Ascendants in the same degree inherit by heads in their line.

39e. Ascendants inherit, to the exclusion of all others, property given by them to their children or other descendants who die without issue, where the objects given are still in kind in the succession, and if they have been alienated, the price, if still due, accrues to such ascendants.

They also inherit the right which the donee may have had of resuming property thus given.

118. That articles 40, 41, 42, 43 and 44 be struck out and the five following articles inserted instead thereof:

44a. If the father and mother of a person dying without issue, or one of them, have survived him, his brothers and sisters,

sisters, as well as his nephews and nieces in the first degree, are entitled to one half of the succession.

44b. If both father and mother have previously died, the brothers, sisters, and nephews and nieces in the first degree, of the deceased, succeed to him, to the exclusion of the ascendants and the other collaterals. They succeed either in their own right or by representation, as provided in the second section of this chapter.

44c. The division of the half or of the whole of the succession coming to the brothers, sisters, nephews or nieces, according to the terms of the two preceding articles, is effected in equal portions amongst them, if they be all born of the same marriage; if they be the issue of different marriages, an equal division is made between the two lines paternal and maternal of the deceased, those of the whole blood sharing in each line, and those of the half blood sharing each in his own line only. If there be brothers and sisters, nephews and nieces on one side only, they inherit the whole of the succession to the exclusion of all the relations of the other line.

44d. If the deceased, having left no issue, nor father nor mother, nor brothers, nor sisters, nor nephews, nor nieces in the first degree, leave ascendants in one line only, the nearest of such ascendants takes one half of the succession, the other half of which devolves to the nearest collateral relation of the other line.

If, in the same case, there be no ascendant, the whole succession is divided into two equal portions, one of which devolves to the nearest collateral relation of the paternal line, and the other to the nearest of the maternal line.

Amongst collaterals, saving the case of representation, the nearest excludes all the others; those who are in the same degree partake by heads.

44f. Relations beyond the twelfth degree do not inherit.

In default of relations within the heritable degree in one line, the relations of the other line inherit the whole.

119. That article 59 be struck out and the following inserted instead thereof:

59a. If such heirs do not agree to accept or to reject the succession, it is held to be accepted under benefit of inventory.

120. That after article 69a the following be inserted.

69b. The judgment granting the petition must be registered in the registry office of the division in which the succession opened.

121. That article 89 be struck out and the following inserted instead thereof:

89a. In the collateral as well as in the direct line, the heir who accepts under benefit of inventory is not excluded by the one who offers to accept unconditionally.

122. That articles 115a and 115b be struck out and the following inserted instead thereof :

115c. Every heir, even the beneficiary heir, coming to a succession, must bring back to his coheirs all that he has received from the deceased by gift *inter vivos*, directly or indirectly; he cannot retain the gifts made nor claim the legacies bequeathed by the deceased, unless such gifts and legacies have been given him expressly by preference and beyond his share, or with an exemption from bringing back.

123. That after article 116, the following be inserted :

117. A donee who at the time of the gift was not an heir, but who at the time of the opening of the succession is entitled to succeed, is bound to bring back the gift unless the testator have exempted him from doing so.

124. That article 130 be struck out and the following inserted instead thereof :

130a. As to immoveables, the donee or legatee may at his option bring them back in all cases, either in kind or by taking less according to valuation.

125. That article 133 be struck out and the following inserted instead thereof :

133a. When the return is made in kind, if the immoveable brought back be hypothecated or encumbered, the copartitioners may require the donee or legatee to clear it from such hypothec or incumbrance; if he fail to do so, he can only bring back by taking less.

The parties may however agree that the return shall be made in kind; this is effected without prejudice to the claims of the hypothecary creditors, which are charged in the partition of the succession to the party making the return.

126. That article 153 be struck out and the following inserted instead thereof :

153a. Partitions may be rescinded for the same causes as other contracts.

Rescission on the ground of lesion takes place in the case of minors only, according to the rules declared in the title *Of Obligations*.

The mere omission of an object belonging to the succession does not give rise to the action of rescission, but only gives a right to a supplement of the act of partition.

TITLE SECOND.

OF GIFTS *INTER VIVOS* AND BY WILL:

RESOLVED:—

127. That article 5 be struck out and the following inserted instead thereof :

5a. Every gift made so as to take effect only after death, which is not valid as a will, or as permitted in a contract of marriage, is void.

128. That article 11 be struck out and the following inserted instead thereof :

11a. The prohibitions and restrictions applicable to gifts and benefits bestowed by future consorts in case of second marriages no longer exist in marriages contracted since the promulgation of this code.

Gifts of a child's share, when made as such, shall continue to be regulated in conformity with the ancient laws.

129. That article 14 be struck out and the following inserted instead thereof :

14a. Minors become of age, and persons who have been under the control of others, cannot give *inter vivos* to their former tutors or curators, so long as their administration actually continues and they have not rendered their account ; they may however give to their own ascendants who have exercised these offices, whether they have remarried or not.

130. That article 15 be struck out and the following inserted instead thereof :

15b. Gifts *inter vivos* made in favor of the person with whom the donor has lived in concubinage, or of the incestuous or adulterine children of such donor, are limited to maintenance.

This restriction does not apply to gifts made in a contract of marriage entered into between the concubinaries.

Other illegitimate children may receive by gift *inter vivos* like all other persons.

131. That article 16 be struck out and the following inserted instead thereof :

16b. Gifts *inter vivos* made hereafter in favor of the priests or ministers of religion having the spiritual direction of the donor, of the physicians and others attending him with the view of restoring his health, or of the advocates and attorneys engaged in lawsuits in his behalf, shall not be set aside by mere presumption of law, as defective by reason of undue influence or want of consent. The presumption in this case, as in all others, must be established by facts.

132. That articles 22, 23, 24, 25, 26, 27, 28 and 29 be struck out and the following inserted instead thereof :

22b. In successions devolving hereafter, the children shall no longer claim, in consequence of gifts *inter vivos*, the legal portion allowed them by the ancient laws.

133. That article 31 be struck out and the following inserted instead thereof :

31a. It is essential to gifts intended to take effect *inter vivos*, that the donor should actually divest himself of his ownership in the thing given.

The consent of the parties is sufficient, as in sale, without the necessity of delivery.

The donor may reserve to himself the usufruct or other precarious possession, or he may pass the usufruct to one person, and give the naked ownership to another, provided he divest himself of his right to the ownership.

The thing given may be claimed, as in the case of sale, from the donor who withholds it, and the donee may demand the rescission of the gift in default of its being delivered, without prejudice to his damages in cases where he may claim them.

If without reservation of usufruct or of precarious possession, the thing given remain unclaimed in the hands of the donor until his death, it may be revendicated from his heirs in successions opening hereafter, provided the deed shall have been registered during the lifetime of the donor.

The gift of an annuity created by the deed of such gift, or of a sum of money or other indeterminate thing which the donor promises to pay or to deliver, divests the donor in the sense that he becomes the debtor of the donee.

134. That article 34 be struck out and the following inserted instead thereof:

34a. A gift may consist of a person's whole property, and it is then universal; or of the whole of the moveable or immovable property, of the whole of the property of the matrimonial community or of any other universality, or of an aliquot portion of such property, and is in such cases a gift by general title; or it may be limited to things particularly described, and is then a gift by particular title.

135. That article 39 be struck out and the following inserted instead thereof:

39a. Unless some special law require it, a deed of gift need not be accompanied by a statement of the moveable property given; the legal proof of its nature and quantity devolves upon the donee.

136. That article 40c be struck out and the following inserted instead thereof:

40d. The acceptance of a gift need not be in express terms. It may be inferred from the deed or from circumstances, amongst which may be counted the presence of the donee to the deed, and his signature.

This acceptance is presumed in a contract of marriage, as well with regard to the consorts as to the future children. In gifts of moveable property this presumption also results from the delivery.

137. That article 40i be struck out and the following inserted instead thereof:

40j. Minors and interdicted persons cannot be relieved from the acceptance or repudiation made in their name by a qualified person, if it have been previously authorized by a judge, upon the advice of a family council. With these formalities

the acceptance is as effectual as if it were made by a person of age, in the full exercise of his rights.

138. That article 45 be struck out and the following inserted instead thereof :

45a. Gifts *inter vivos* of present property when they are accepted, divest the donor of and vest the donee with the ownership of the thing given, as in sale, without any other delivery being necessary.

139. That article 58 be struck out and the following inserted instead thereof :

58a. Gifts made in the direct line by contract of marriage are not affected by want of registration further than they may be under the general registry laws.

All other gifts in contracts of marriage, even between future consorts, or in contemplation of death, and all other gifts in the direct line, remain subject to registration in the same manner as gifts in general.

140. That article 63 be struck out and the following inserted instead thereof :

63a. Gifts *inter vivos* accepted are liable to be revoked :

1. By reason of ingratitude on the part of the donee ;
2. By means of the resolute condition, in cases where it may be validly stipulated ;
3. For the other legitimate causes by which contracts may be annulled, unless some particular exception be applicable.

141. That article 64 be struck out.

142. That article 65 be struck out and the following inserted instead thereof :

65a. In gifts made hereafter, the subsequent birth of children to the donor will not constitute a resolute condition, unless it be so stipulated.

143. That article 69 be struck out and the following inserted instead thereof :

69a. Gifts made hereafter shall not be revoked by reason of the non-fulfilment of obligations entered into by the donee, as charges or otherwise, unless the revocation be stipulated and provided for in the deed ; and such revocation shall be subject in all respects to the same rules as the dissolution of sale in default of payment of the price, without the necessity of any preliminary condemnation obliging the donee to the fulfilment of his obligations.

The stipulation of all other resolute conditions when legally made has the same effect in gifts as in other contracts.

144. That article 84 be struck out and the following inserted instead thereof :

84a. As regards wills made after the promulgation of this code,

code, minors aged twenty years and over, whether emancipated or not, are incapable of bequeathing any part of their property.

145. That article 94 be struck out and the following inserted instead thereof :

94ter. Wills in notarial or authentic form are received before two notaries or before a notary and two witnesses, the testator in their presence and with them signs the will, or declares that he cannot do so, after it has been read to him by one of the notaries in presence of the other, or by the notary in presence of the witnesses. Mention is made in the will of the observance of the formalities.

146. That article 95 *bis* be struck out and the following inserted instead thereof :

95quater. Authentic wills must be made as originals remaining with the notary.

The witnesses must be named and described in the will. They must be of the male sex, of full age, and must not be civilly dead nor sentenced to an infamous punishment. Aliens may hereafter serve as witnesses. The clerks and servants of the notaries cannot.

147. That article 98 be struck out and the following inserted instead thereof :

98a. A will cannot be executed before notaries who are related or allied to the testator or to each other, in the direct line, or in the degree of brothers, uncles, or nephews. The witnesses however may be related or allied to the testator, to the notary, or to one another.

148. That article 99 be struck out and the following inserted instead thereof :

99a. Legacies made in favor of the notaries or witnesses, or to the wife or husband of any such notary or witness or to any relation of such notary or witness in the first degree are void, but do not annul the other provisions of the will.

Testamentary executors who are neither benefitted nor compensated by the will may serve as witnesses to its execution.

149. That article 100 be struck out and the following inserted instead thereof :

100b. Wills in authentic form cannot be dictated by signs. Deaf mutes and others who cannot declare their will by word of mouth, may do so, if they are sufficiently educated, by means of instructions written by themselves and handed to the notary, before or at the execution of the will, in the manner hereinabove established.

Deaf mutes and such persons as cannot hear the will read, must read it themselves, and aloud, as regards those who are only deaf.

A written declaration that the deed contains the will of the testator and is prepared in accordance with his instructions, may be substituted for the same declaration by word of mouth, when it is required.

Mention must be made of the observance of these exceptional formalities and of their cause.

If the deaf mutes and others cannot avail themselves of the provisions of this article, they cannot make wills in the authentic form.

150. That article 101 be struck out and the following inserted instead thereof:

101b. Further and special provisions exist for the district of Gaspé, to remedy the want of notaries for the execution of wills; as well as of other acts.

Saving these provisions of a local nature, ministers of religion shall not hereafter replace notaries in the execution of wills; neither shall they serve otherwise than as ordinary witnesses.

151. That article 105 be struck out and the following inserted instead thereof:

105a. Wills made in the form derived from the laws of England, whether they affect moveable or immoveable property, must be in writing and signed at the end with the signature or mark of the testator, made by himself or by another person for him in his presence and under his express direction, which signature is then or subsequently acknowledged by the testator as having been subscribed by him to his will then produced, in presence of at least two competent witnesses together who attest and sign the will immediately, in presence of the testator and at his request.

In wills to be made hereafter females may serve as attesting witnesses, and the other rules concerning the competency of witnesses, shall be the same in other respects as for wills in authentic form.

152. That article 124b be struck out and the following inserted instead thereof:

124c. Fruits and interest arising from the thing bequeathed accrue to the benefit of the legatee from the time of the death of the testator, when the latter has expressly declared in the will his intention to that effect.

Life-rents or pensions, bequeathed by way of maintenance, also begin from the date of the testator's death.

In all other cases, fruits and interest do not accrue until they are judicially demanded, or until the debtor of the legacy is put in default.

153. That article 131 be struck out and the following inserted instead thereof:

131a. In successions devolving hereafter, universal legatees and legatees by general title shall no longer, after acceptance, free

free themselves from personal liability for the debts and legacies imposed upon them by law or by the will, without having obtained benefit of inventory; they shall be in this respect, and in all that concerns their administration, the rendering of their account and their discharge from liability, subject to the same rules as the heir, and to the obligation of registering.

Legatees by particular title upon whom the will imposes debts and charges of uncertain extent, may, in the same manner as the heir and universal legatee, accept only under benefit of inventory.

154. That article 133 be struck out and the following inserted instead thereof:

133c. The bequest of a thing which does not belong to the testator, whether he were aware or not of another's right to it, is void, even when the thing belongs to the heir or legatee charged with the payment of it.

The legacy is however valid, and is equivalent to the charge of procuring the thing or of paying its value, if such appear to have been the intention of the testator. In such case, if the thing bequeathed belong to the heir or the legatee charged with the payment of it, whether the fact were known or not to the testator, the particular legatee is seized with the ownership of his legacy.

155. That article 133*d* be struck out and the following inserted instead thereof:

133e. If the thing bequeathed belonged to the testator for a part only, he is presumed to have bequeathed only the part which belonged to him, even when the remainder belongs to the heir or principal legatee, unless his intention to the contrary be manifest.

The same rule applies to the bequest made by one of the consorts of a thing belonging to the community; saving the right of the legatee to the whole of the thing bequeathed, under the circumstances enumerated in the title *Of Marriage Covenants*, and generally in the case of the following article.

156. That article 133 *quater* be struck out and the following inserted instead thereof:

133f. If the testator since the making of the will have become, wholly or in part, owner of the thing bequeathed, the legacy is valid as regards whatever remains in his succession, notwithstanding the provisions contained in the preceding article; excepting the case in which the thing remains in the succession only by reason of the nullity of a subsequent voluntary alienation of it by the testator.

157. That article 139 be struck out.

158. That article 140 be struck out and the following inserted instead thereof:

140a. If before or since the will, the immoveable bequeathed have been hypothecated for a debt of the testator remaining still

still due, or even for the debt of a third person whether it were known or not to the testator, the heir, or the universal legatee, or the legatee by general title is not bound to discharge the hypothec, unless he be obliged to do so by the will.

A usufruct established upon the thing bequeathed is also borne without recourse by the particular legatee. The same rule applies to servitudes.

If however the hypothecary debt of a third person, of which the testator was ignorant, affect at the same time the particular legacy and the property remaining in the succession, the benefit of division may reciprocally be claimed.

159. That article 144 be struck out and the following inserted instead thereof :

144a. The revocation of a will or of a legacy may also be demanded ; 1. On the ground of the complicity of the legatee in the death of the testator, or by reason of grievous injury done to his memory, in the same manner as in the case of legal succession, or, again, if the legatee hinder the revocation or modification of the will ; 2. By reason of the resolute condition ;

Without prejudice to the causes for which the validity of the will or legacy may be impugned.

The subsequent birth of children to the testator does not effect a revocation.

Enmity springing up between him and the legatee does not give rise to the presumption of revocation.

160. That article 149 be struck out and the following inserted instead thereof :

149a. Every alienation by the testator of the right of property in the thing bequeathed even in a case of necessity, or by forced means, or with right of redemption reserved, or by exchange, carries with it, unless he has otherwise provided, a revocation of the will or legacy for all that has been thus disposed of, even though, if it were voluntary, the alienation be void.

The revocation subsists although the thing should afterwards have returned into the hands of the testator, unless he appear to have intended the contrary.

161. That article 151 be struck out and the following inserted instead thereof :

151a. Heirs shall not hereafter be excluded from successions, even for a just cause of exheredation according to the ancient laws, unless the act excluding them be clothed with all the formalities of a will.

162. That article 157 be struck out and the following inserted instead thereof :

157a. A testator may name one or more testamentary executors, or provide for the manner in which they shall be appointed ; he may also provide for their successive replacement.

Heirs or legatees may lawfully be appointed testamentary executors.

Creditors of the succession may be executors without forfeiting their claims.

Single women or widows may also be charged with the execution of wills.

The courts and judges cannot appoint nor replace testamentary executors, except in the cases specified in the last article of this section.

If there be no testamentary executors, and none have been appointed in the manner in which they may be, the execution of the will devolves entirely upon the heir or the legatee who receives the succession.

163. That article 163 be struck out and the following inserted instead thereof :

163a. A testamentary executor who has accepted the office cannot renounce it without the authorization of the court or of a judge, which may be granted for sufficient cause ; the heirs and legatees and other executors, if there be any, being present, or having been duly called.

Difference of opinion between an executor and the majority of his co-executors, as to the execution of the will, may constitute a sufficient cause.

164. That article 165 be struck out and the following inserted instead thereof :

165a. If there be several joint testamentary executors, with the same duties to perform, they have all equal powers and must act together, unless the testator have otherwise ordained.

Nevertheless those who are on the spot may perform alone acts of a conservatory nature and others requiring dispatch. The executors may also act generally as attorneys for each other, unless the intention of the testator appear to the contrary, and subject to the responsibility of the one who grants the power. The executors cannot delegate generally the execution of the will to others than their co-executors, but they may be represented by attorney for determinate acts.

Executors exercising these joint powers, are jointly and severally bound to render one and the same account, unless the testator have divided their functions and each of them have kept within the scope assigned to him.

They are responsible only each for his share for the property of which they took possession in their joint capacity, and for the payment of the balance due, saving the distinct liability of such as are authorized to act separately.

165. That after article 168 the following be inserted :

169. If, having accepted, a testamentary executor refuse or neglect to act, or dissipate or waste the property, or otherwise exercise his functions in such a manner as would justify the dismissal of a tutor, or if he have become incapable of

fulfilling the duties of his office, he may be removed by the court having jurisdiction.

166. That after article 175 the following be inserted ;

175a. If the testator desire that the appointment or the replacement should be made by the courts or judges, the powers necessary for such purpose may hereafter be exercised judicially, the heirs and legatees interested being first duly notified.

When testamentary executors and administrators have been named by the will, and in consequence of their refusal to accept, or of their powers having ceased without their being replaced, or of unforeseen circumstances, none of them remain, and it is impossible to replace them under the terms of the will, the judges and the courts may likewise exercise the powers necessary to do so, provided it appear that the testator intended the execution and administration of the will to continue independently of the heir or of the legatee.

167. That article 181 be struck out and the following inserted instead thereof :

181a. Substitutions made by contract of marriage are irrevocable like gifts made in the same manner.

Substitutions made by other gifts *inter vivos* may be revoked by the donor, notwithstanding the acceptance by the institute for himself, so long as they have not opened ; unless they have been accepted by the substitute, or in his behalf, either formally or in an equivalent manner, as in gifts in general.

The acceptance made for themselves by institutes, even when they are strangers to the donor, also renders irrevocable the substitution in favor their children born or to be born.

The revocation of a substitution, when it is allowed, cannot prejudice the institute nor his heirs by depriving them of the possible benefit of the lapse of the substitution, or otherwise. On the contrary, and although the substitute might have received but for the revocation, such revocation goes to the profit of the institute and not of the grantor, unless he has made a reservation to that effect in the act creating the substitution.

Substitutions by will may be revoked like all other testamentary dispositions.

168. That article 186 be amended by limiting substitutions to two degrees beyond the institute :

169. That article 208*bis* be struck out and the following inserted instead thereof :

208b. As regards marriages to be contracted hereafter, the wife of the institute shall no longer enjoy a subsidiary recourse against the property of substitutions for the securing of her dower or her dowry.

170. That after article 219, the following be inserted :

220. If the institute were a debtor or a creditor of the grantor

grantor, and in consequence of his accepting as heir, as universal legatee, or as legatee by general title, confusion takes place so as to destroy his debt or his claim, such debt or claim, notwithstanding such confusion which is deemed to be only temporary, revives between the substitute and the institute or his heirs, when the property comes to be delivered over; except as to interest up to that time for which the confusion still holds.

The institute or his heirs are entitled to the separation of property in the prosecution of their claim, and may retain the property until they are paid.

171. That article 227 be struck out and the following inserted instead thereof:

227a. Although the motive of the prohibition to alienate be not expressed, and it be not declared under pain of nullity or some other penalty, the intention of the party disposing, suffices to give it effect, unless the expressions are evidently within the limits of mere advice.

When the prohibition is not made for another motive, it is interpreted as establishing in favor of the party disposing and his heirs a right to get back the property.

172. That after article 236 the following be inserted:

237. Prohibitions to alienate, although not accompanied by substitution, must be registered, even as regards moveable property, in the same manner as substitutions themselves.

The person thus prohibited and his tutor or curator, and the husband in the case of a married woman, are bound to effect such registration.

TITLE FOURTH.

OF MARRIAGE COVENANTS AND OF THE EFFECT OF MARRIAGE UPON THE PROPERTY OF THE CONSORTS.

RESOLVED :—

173. That articles 9 and 10 be struck out and the following inserted instead thereof:

10a. After marriage, the marriage covenants contained in the contract cannot be altered, even by the mutual donation of usufruct, which is hereby abolished for the future, without prejudice to acts already made; nor can the consorts in any other manner confer benefits *inter vivos* upon each other.

174. That after article 11 the following be inserted:

12. Minors, capable of contracting marriage, may validly make, in favor of their future consorts or children, all such agreements or gifts as the contract admits of, provided they be assisted by their tutors, if they have any, and by the other persons whose consent is necessary to the validity of the marriage;

the benefits which they confer in such contracts upon third parties are subject to the rules which apply to minors in general.

175. That article 14 be struck out and the following inserted instead thereof:

14a. Community, whether legal or conventional, commences from the day of the celebration of marriage; the parties cannot stipulate that it shall commence at any other period.

176. That article 41 be struck out and the following inserted instead thereof:

41a. A wife cannot, without judicial authorization, obligate herself nor bind the property of the community, even for the purpose of releasing her husband from prison, or of establishing their common children, in the case of his absence.

177. That after article 56 the following be inserted:

57. Every judgment ordering separation of property must be inscribed, without delay, by the prothonotary or clerk of the court, upon a list kept for that purpose and posted in the office of the clerk of the court which rendered the judgment; and such inscription and the date thereof must be mentioned at the end of such judgment, in the register in which it is recorded.

The separation affects third parties, from the day only when these formalities have been complied with.

Special formalities are necessary in order to obtain judgments of separation of property against traders, as provided in The Insolvent Act of 1864.

178. That article 84 be struck out and the following inserted instead thereof:

84a. If the wife be under age, she cannot accept the community without the assistance of her curator, and the authorization of a judge, upon the advice of a family council; when made with these formalities, the acceptance is irrevocable, and has the same effect as if the wife had been of age.

179. That article 85 be struck out and the following inserted instead thereof:

85a. The wife surviving her husband must, within three months from his death, cause a faithful and correct inventory of all the property of the community to be made in the presence of the heirs of the husband, or after having duly summoned them.

This inventory must be made before notaries, as an original, and be judicially closed in the same manner as that required by article 68 in order to prevent the continuation of the community.

180. That article 121a be struck out and the following inserted instead thereof:

121b. She may, however, retain the wearing apparel and linen

linen in use for her own person, exclusive of all other jewelry than her engagement and wedding presents.

181. That after article 129 the following be inserted :

130. In the case of the preceding article, the moveable property which accrues to either consort during marriage must be established by an inventory or some other equivalent title.

As regards the husband, in default of such inventory or title, he forfeits his right to take back the moveable property which has fallen to him during the marriage.

As regards the wife, on the contrary, she or her heirs are, in such case, admitted to make proof either by title or by witnesses, or even by common rumor, of the moveable property, thus accrued to her.

TITLE NINTH.

OF LOAN.

RESOLVED :—

182. That article 5 be struck out and the following inserted instead thereof :

5. The borrower is bound to bestow the care of a prudent administrator in the safe-keeping and preservation of the thing loaned.

He cannot apply the thing to any other use than that for which it is intended by its nature or by agreement.

TITLE TENTH.

OF DEPOSIT.

RESOLVED :—

183. That articles 9 and 10 be struck out and the following inserted instead thereof :

The depositary is bound to apply in the keeping of the thing deposited the care of a prudent administrator.

TITLE ELEVENTH.

OF PARTNERSHIP.

RESOLVED :—

184. That article 15 be struck out and the following inserted instead thereof :

15. When there is no agreement concerning the shares of the partners in the profits and losses of the partnership, they share equally.

185. That article 30a be struck out.

186. That article 44 be struck out and the following inserted instead thereof:

44. Every alteration in the names of the general partners, in the nature of the business, or in the capital or shares, or in any matter, other than the names of the special partners, specified in the original certificate, is deemed a dissolution of the partnership; and if it be carried on after such alteration, it is deemed a general partnership, unless renewed as a limited partnership in the manner provided in the last preceding article.

TITLE TWELFTH.

OF LIFE-RENTS.

RESOLVED:—

187. That article 6 be struck out and the following inserted instead thereof:

6. The rule declared in the last preceding article applies equally when the person upon whose life the rent is constituted is, without the knowledge of the parties, dangerously ill of a malady of which he dies within twenty days after the date of the contract.

188. That article 15 be struck out and the following inserted instead thereof:

15. When an immoveable hypothecated for the payment of a life-rent is sold by a forced sale, or by a voluntary sale followed by confirmation of title, the posterior creditors are entitled to receive the proceeds of the sale on giving sufficient security for the continued payment of the rent, and in default of such security being given, the creditor of the rent is collocated, according to the order of his hypothec, for a sum equal to the value of the rent at the time of collocation.

189. That article 16 be struck out and the following inserted instead thereof:

16. The value of the life-rent is estimated at the sum which, at the time of collocation, would be sufficient to purchase from a life-assurance company a life-annuity of like amount.

TITLE THIRTEENTH.

OF TRANSACTION.

RESOLVED:—

190. That article 6 be struck out and the following inserted instead thereof:

6. Transaction upon a writing which has since been found to be false, is altogether null.

TITLE

TITLE SIXTEENTH.

OF PLEDGE.

RESOLVED:—

191. That article 5 be struck out and the following inserted instead thereof:

5. The creditor cannot, in default of payment of the debt, dispose of the thing given in pawn. He may cause it to be seized and sold in the usual course of law under the authority of a competent court and obtain payment by preference out of the proceeds.

He may also stipulate that in default of payment he shall be entitled to retain the thing.

TITLE SEVENTEENTH.

OF PRIVILEGES AND HYPOTHECS.

RESOLVED:—

192. That the following paragraph be added to article 29 :

In case of chronic disease, the privilege applies only to the expenses during the last six months before the decease.

193. That article 78 be struck out and the following inserted instead thereof.

78. As between the creditors, hypothecs heretofore created rank in the order of their respective dates, when none of them have been registered in conformity with the provisions contained in the title *Of registration of real rights*. Hypothecs created hereafter are inoperative unless they conform to the provisions of article 40 in the same title.

TITLE EIGHTEENTH.

OF REGISTRATION OF REAL RIGHTS.

RESOLVED:—

194. That article 2 be struck out and the following inserted instead thereof:

2. The following rights are exempt from registration :

1. The privileges mentioned in paragraphs one, four, five, six and nine, of article 35 of the title *Of Privileges and Hypothecs* ;

2. The original titles by which lands were granted *en fief*, *en censive*, *en franc-alleu*, or in free and common soccage ;

3. Hypothecs in favor of the crown, created in virtue of the act passed in the ninth year of Her Majesty's reign, chapter sixty-two ;

4. Seigniorial rights, and the rents constituted in their stead ;
 5. The claim of mutual insurance companies for the amounts which the parties insured are liable to contribute.

195. That article 4 be struck out and the following inserted instead thereof :

4. The registration of a real right cannot prejudice the purchaser of an immovable who at the time and before the promulgation of this code was in open and public possession of it as owner, even though his title be not registered until afterwards.

196. That article 11 be struck out and the following inserted instead thereof :

11. All acts *inter vivos*, other than partitions or licitations, conveying the ownership of an immovable must be registered at full length, or by memorial.

In default of such registration, the title of conveyance cannot be invoked against any third party who has purchased the same property from the same vendor for a valuable consideration and whose title is registered.

Registration has the same effect between two donees of the same immovable.

Every conveyance by will of an immovable must be registered either at full length or by memorial, with a declaration of the date of the death of the testator.

The transmission of immovables by succession must be registered by means of a declaration setting forth the name of the heir, his degree of relationship to the deceased, the name of the latter, the date of his death, and, lastly, the designation of the immovable.

All rights or assignments of ownership established by a partition or a licitation must be enregistered at full length or by memorial.

So long as the right of the purchaser has not been registered, all conveyances, transfers, hypothecs or real rights granted by him in respect of such immovable are without effect.

The provisions of this article are applicable to the future only.

197. That the last paragraph of article 13 be struck out and the following inserted instead thereof :

13. The right of the vendor to take back an immovable sold, in the case of non-payment of the price, does not affect subsequent purchasers who have not subjected themselves to such right, unless the deed in which it is stipulated has been registered as in ordinary cases ; nevertheless the vendor in this matter as well as for securing the price has all the advantage of the delay of thirty days.

198. That after article 13 the following be inserted :

13a. All judgments declaring the dissolution, nullity, or rescission of a registered deed of conveyance or other title by which

which an immoveable has been transmitted, or permitting the exercise of a right of redemption or of revocation, must be registered at full length within thirty days after they are rendered.

199. That after article 13a the following be inserted :

13b. The action of the vendor to have the sale dissolved by reason of the non-payment of the price, according to article 60 of the title *Of Sale*, cannot be brought against third parties, if the stipulation to that effect have not been registered.

The same rule applies to the right of redemption.

200. That after article 17 the following be inserted :

18a. Claims for funeral expenses and expenses of last illness do not retain their privilege upon immoveables unless a memorial of such claims is registered in the manner and within the delays prescribed by the preceding article.

201. That after article 27 the following be inserted :

27b. The right to legal customary dower, in respect of marriages to take place hereafter, shall not be preserved otherwise than by the registration of the marriage certificate with a description of the immoveables then subject to such dower.

As regards immoveables which may subsequently fall to the husband and become subject to customary dower, the right to dower upon such immoveables shall not take effect until a declaration for that purpose has been registered, setting forth the date of the marriage, the names of the consorts, the description of the immoveable, its liability for dower, and how it has become subject to it.

202. That after article 29 the following be inserted :

30. Every notary called upon to make an inventory is bound to see that the tutorships of the minors, or the curatorships of the interdicted persons interested in such inventories are duly registered, and, if necessary, to cause such registration to be effected at the expense of such tutors or curators, before proceeding with the inventory, on pain of all damages.

203. That after article 37 the following be inserted :

38. Renunciations to dower, to successions, to legacies, or to community of property cannot be invoked against third parties unless they have been registered in the registry office of the division in which the right accrued.

204. That after article 38 the following be inserted :

39. Every conveyance or transfer of a privileged or hypothecary claim must be registered in the registry office in which the title creating the debt has been registered.

A duplicate of the certificate of its registration must be furnished to the debtor together with the copy of the transfer.

If these formalities be not observed the conveyance or transfer is without effect against subsequent transferees who have conformed to the above requirements.

All subrogations in such rights granted by authentic deeds or by private writings must likewise be registered and notice thereof be given.

If the subrogation take place by the sole operation of law, it may be registered by transcribing the document from which it results, with a declaration to that effect.

The transfer or subrogation must be mentioned in the margin of the registry of the title creating the debt, with a reference to the number of the entry of such transfer or subrogation.

205. That article 39*a* be struck out and the following inserted instead thereof :

39*a*. The lease of an immovable for a period exceeding one year cannot be invoked against a subsequent purchaser unless it has been registered.

206. That after article 39*a* the following be inserted :

39*b*. No act containing a discharge from the rent of an immovable for more than one year in anticipation, can be invoked against a subsequent purchaser unless it has been registered, together with a description of the immovable.

207. That article 40 be struck out and the following inserted instead thereof :

40. Privileged rights which are not subject to registration take precedence according to their respective rank.

Rights subject to registration and which have been registered within the prescribed delays, take effect according to the provisions contained in the preceding chapter.

Except the above cases and the cases of articles 4 and 8, real rights rank according to the date of their registration.

If however two titles creating hypothec be entered for registration on the same day and at the same hour they rank together.

If a deed of purchase, and a deed creating a hypothec, both affecting the same immovable, be registered on the same day, the more ancient deed takes precedence.

No hypothec hereafter created shall have any effect without registration, except that of mutual insurance companies for the amount which the parties insured are liable to contribute.

208. That article 54*a* be struck out and the following inserted instead thereof :

54*a*. Every claim or memorial for the preservation of interest or of arrears of rent must specify the amount thereof and the title under which they are due, and be accompanied by the affidavit of the creditor that such amount is due.

209. That paragraph 4 of article 64 be struck out and the following inserted instead thereof :

4. Deeds conveying the ownership of property other than those above mentioned, the leases mentioned in article 39*a*, and acquittances for rent paid in anticipation.

210. That after 64 the following be inserted :

64a. The provisions of the preceding article may be extended by a proclamation of the governor to any registry division the population of which exceeds fifty thousand souls.

211. That after article 64a the following be inserted :

64b. The Governor in Council may after the form of any books, indexes or other official documents to be kept by registrars, or direct new ones to be kept; and all orders to that effect are published in the *Canada Gazette* and take effect from the day therein appointed, provided such day be not fixed at less than one month from the publication of such order.

212. That article 73 be struck out and the following inserted instead thereof :

73. Whenever the owner of a property indicated upon the plan and in the book of reference shall subdivide it into town or village lots to the number of more than six, he shall deposit in the office of the Commissioner of Crown Lands, a particular plan and book of reference certified by himself, with special numbers and designations in order to distinguish them from the original ones, and if such plan and book of reference be approved of by the Commissioner of Crown Lands he shall transmit a copy certified by himself to the registrar of the division.

213. That article 78 be struck out and the following inserted instead thereof :

78. The registrar is likewise bound to deliver to any person demanding the same, copies of any acts or documents registered, but he must mention thereon the discharges, cancellings, conveyances or subrogations which may be entered or mentioned in the margin.

214. That the following paragraph be added to article 81 :

The minute-book must be authenticated, numbered and initialed in the same manner.

215. That after article 81 the following be inserted :

81bis. The provisions of the preceding article apply equally to the entry-book and to the index to immovables.

BOOK FOURTH.

TITLE FIFTH.

OF INSURANCE.

RESOLVED :—

216. That after article 80 the following be inserted as settling the law on a doubtful point :

81. On an accepted abandonment of the ship, the freight earned after the loss belongs to the insurer of the ship; that earned

earned previously to the loss belongs to the ship-owner or to the insurer on freight to whom it is abandoned.

RESOLVED :—

217. That after the last article of the fourth book the following be added :

FINAL PROVISIONS.

1. The laws in force at the time of the promulgation of this Code are abrogated in all cases :

In which there is a provision herein having expressly or impliedly that effect ;

In which such laws are contrary to or inconsistent with any provision herein contained ;

In which express provision is herein made upon the particular matter to which such laws relate.

Except always that as regards transactions, matters and things anterior to the promulgation of this Code, and to which its provisions could not apply without having a retroactive effect, the provisions of law which without this Code would apply to such transactions, matters and things, shall remain in force and apply to them, and the Code shall apply to them only so far as it coincides with such provisions ; and the declaration that certain matters are regulated by the Code of Civil Procedure shall not have the effect of repealing any existing rule or of abolishing any mode of proceeding now in use until the said Code of Civil Procedure shall have become law ;

2. If in any article of this Code founded on the laws existing at the time of its promulgation, there be a difference between the English and French texts, that version shall prevail which is most consistent with the provisions of the existing laws on which the article is founded ; and if there be any such difference in an article changing the existing laws, that version shall prevail which is most consistent with the intention of the article ; and the ordinary rules of legal interpretation shall apply in determining such intention.

CAP. XLII.

An Act respecting the Court of Queen's Bench in Lower Canada.

[Assented to 15th September, 1865.]

Preamble.

Con. Stat. L.
C. c. 77 cited.

WHEREAS it is expedient to explain section thirteen of chapter seventy-seven of the Consolidated Statutes for Lower Canada, in the manner hereinafter provided : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows :

Proviso: added
Sec. 13.

1. The following proviso is hereby added to the said section thirteen of the said chapter, and shall be read as part of the

the said section, and shall be construed and have effect as if it had originally formed part thereof :

“ Provided always, that no Judge of the Court of Queen’s Bench who has been absent or whose leave of absence has expired, has been, or shall be, disqualified from sitting in any case after his return or after his leave of absence shall have expired, by reason of any Assistant Judge, or Judge *ad hoc*, having been named in his place, or in such case, provided that such Judge of the Court of Queen’s Bench was competent to sit in such case before absenting himself or obtaining leave of absence,” and no Judge of the Court of Queen’s Bench who has been incompetent to sit in any case, and the cause of whose incompetence has ceased, shall be disqualified from sitting in such case by reason of his having been recused, or having declared himself incompetent therein.

Judge who has been absent, &c., not disqualified in certain cases.

Judge whose cause of incompetence has been removed.

C A P . X L I I I .

An Act to amend the Act respecting the ordinary Procedure in the Superior and Circuit Courts for Lower Canada.

[Assented to 18th September, 1865.]

WHEREAS it is expedient to make further provision respecting answers to statements (*articulations*) of facts under the eighty-seventh section of chapter eighty-three of the Consolidated Statutes for Lower Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows :

Preamble.

Con. Stat. L. C. c. 83 cited.

1. For and notwithstanding anything to the contrary contained in the said or any other section of the said Act, or in any other Act or Law, it shall be lawful for any Judge of the Superior Court in term or in vacation in any cause then pending either in the said Court or in the Circuit Court, or for the Prothonotary of the said Superior Court in vacation, and in the absence of a Judge on motion or petition and on good cause shewn to his satisfaction, to relieve any party in such cause from any default to file an answer to the statement of facts filed in such cause by ordering that such party have leave (on previously paying any costs the opposite party may have incurred in consequence of such default) forthwith to file an answer to the statement of facts of such opposite party ; Provided always that if the party who filed such statement of facts shall, at the hearing on such motion or petition, demand the postponement of the *enquête* or trial for reasons satisfactory to the Judge or Prothonotary, such postponement may be granted with any costs to be incurred by reason of such postponement by the party having filed such statement of facts, such costs to be paid him by the party applying for leave to file the answer thereto before such leave shall be granted.

Judge on cause shewn and payment of costs may relieve a party from default to answer articulation of facts.

Provide: opposite party may demand postponement of case.

CAP. XLIV.

An Act to amend section thirty-nine of chapter thirty-seven of the Consolidated Statutes for Lower Canada, respecting the authentication of Certificates of Discharge, executed before witnesses.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

How discharges under Con. Stat. L. C. c. 37, s. 39 may be authenticated.

1. Hereafter it shall be sufficient for the authentication of any Certificate of discharge, executed before witnesses, as provided by section thirty-nine of chapter thirty-seven of the Consolidated Statutes for Lower Canada, if one of the witnesses shall, upon oath before one of the Judges of the Court of Queen's Bench or Superior Court, or before any commissioner for taking affidavits, either in Upper or Lower Canada, or in Great Britain or Ireland, to be used in the Superior Court, or before a Judge of any of the Superior Courts of Law or Equity, or any Judge of a County Court within his County in Upper Canada, or before the Registrar or his deputy, prove that he saw such Certificate signed by the party granting it.

CAP. XLV.

An Act to amend Chapter eighty-eight of the Consolidated Statutes for Lower Canada, intituled: *An Act concerning the protection and enforcement of Corporate Rights.*

[Assented to 18th September, 1865.]

Preamble.
Recital.

WHEREAS it hath happened or may happen, that Letters Patent have been or may be issued by the Crown, granting lands or property to persons holding certain offices, ecclesiastical or otherwise, or to persons named in such Letters Patent as Trustees for the purposes thereof, to the end that such lands may be held as the site of a Church, Chapel or Burial Ground, or of some other institution, building or place for religious or other purposes of a public or quasi-public nature, by the persons so named and their successors in office or by their successors to be appointed as Trustees in some manner prescribed by such Letters Patent; And whereas, it has happened, or may happen that such persons or some of them have died or may die or be removed, without having any successor in office, or without Trustees having been appointed in the manner prescribed in such Letters Patent to succeed them, and doubts have arisen or may arise as to the legal consequence of any such case, which doubts it is expedient to obviate or remove:

Therefore,

Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows :

1. In the cases mentioned in the preamble of this Act, or any of them, the officers, functionaries, trustees or persons to whom any such land or property shall be or has been granted to be held as aforesaid, shall be held to have been and to be a corporation, body politic and corporate, for the purposes mentioned in such Letters Patent, and to have and to have had perpetual succession as such; and no failure of successors in office of any member of such Corporation, and no failure to elect or appoint any such Trustees in the manner prescribed by the Letters Patent, shall operate a dissolution of such Corporation, which shall be held to be continued in the remaining member or members thereof; nor if such Corporation be, at the time of such failure, a party to any suit, action or proceeding, shall such failure suspend the *instance* or render it necessary to call in the heirs or representatives of any deceased or former member of such Corporation, but such action or proceeding shall be continued to judgment and execution by or against the Corporation as if no such failure had occurred; except always that if there be reason to apprehend any failure of justice by reason of such failure of members of the Corporation as aforesaid, the Superior Court may, by writ of mandamus to be issued at the instance of any party interested, and directed to such functionaries or persons as the Court may see fit, order the election or appointment of such member or members of the said Corporation as may be necessary, in the manner prescribed by such Letters Patent, or in case no such manner of election or appointment is in such Letters Patent prescribed, or the same cannot from circumstances be complied with, then, in such manner as the Court may see fit to direct; and to such proceedings the provisions of the fourteenth section of the Act concerning the protection and enforcement of corporate rights, chapter eighty-eight of the Consolidated Statutes for Lower Canada, and the other provisions of the said Act shall apply so far as they can be made applicable.

Letters Patent granting lands to persons and their successors for public purposes, to be held to have been granted to them as a corporation.

Court may order election of functionaries, &c.

Act to apply to such cases.

2. This Act shall extend only to Lower Canada.

Act limited to L. C.

C A P . X L V I .

An Act to amend the tenth chapter of the Consolidated Statutes for Lower Canada, respecting seditious and unlawful Associations and Oaths.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Amendment of
Con. Stat. L.
C., c. 10, sec. 9,
as to Free
Masons.

1. The words "or Grand Master or Grand Lodge of Canada" are hereby added to and shall follow the words "Great Britain and Ireland" in the ninth section of the tenth chapter of the Consolidated Statutes for Lower Canada, intituled: *An Act respecting seditious and unlawful Associations and Oaths*, and shall be taken and read as part of the said section; and this provision shall be construed and have effect as if it had been contained in and formed part of the ninth section of the Ordinance passed in the second year of Her Majesty's Reign, intituled: *An Ordinance for more effectually preventing the administering or taking of unlawful Oaths and for better preventing treasonable and seditious practices.*

C A P . X L V I I .

An Act to amend the Act respecting the Notarial Profession.

[Assented to 18th September, 1865.]

Preamble.

Cap. 73 Con.
Stat. L., C. s.
16.

WHEREAS by the sixteenth section of chapter seventy-three of the Consolidated Statutes for Lower Canada, intituled: *An Act respecting the Notarial Profession*, it is enacted, that an authentic copy of all articles, and of all transfers of articles, shall be filed and registered in the office of the Secretary of one of the Boards of Notaries, within thirty days from the date thereof, on pain of nullity; and whereas cases have arisen in which the student, after having followed in good faith a regular course of clerkship, has failed to be admitted in consequence of his articles not having been registered; and whereas it is expedient to give relief to such persons as may be placed in such circumstances: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Student may be
admitted to
practice not-
withstanding
default, to
enregister
articles and on

1. Any student whose articles shall not have been registered in the manner prescribed by the sixteenth section of the above cited Act, may nevertheless be admitted to the practice of the Notarial Profession, provided he produces a certificate from his patron or patrons declaring that he has *bonâ fide* followed

a course of clerkship in conformity with the terms of the said section, and provided that his article shall have been passed before notaries, and registered at least one month previous to his application to be admitted to practise, in the office of the secretary of the board before which it is his intention to present himself for examination; and after he has thus selected the Board before which it is his intention to present himself, it shall not be lawful for him to present himself before any other Board until after having presented himself before such Board, nor until after the lapse of at least three months, if such Board have refused to admit him.

what conditions.

C A P. X L V I I I .

An Act to amend Chapter Fifteen of the Consolidated Statutes for Lower Canada, respecting Education.

[Assented to 18th September, 1865.]

WHEREAS it would conduce to the advancement of Education in Lower Canada to extend the duration of certificates granted to teachers under the one hundred and fifth and one hundred and sixth sections of Chapter Fifteen of the Consolidated Statutes for Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

Con. Stat. L.C. c. 15.

1. The one hundred and sixth section of chapter fifteen of the Consolidated Statutes for Lower Canada, is hereby so amended as to read thus:—

Sect. 106 amended.

“**106.** The certificates granted and to be granted by every such Board constituted under the next preceding section, shall only avail for the employment of the Teachers obtaining the same, within such County or Counties, and for such class or classes of Schools, as the Governor in Council, upon the report of the Council of Public Instruction, may from time to time ordain; and those granted after the fourth day of March one thousand eight hundred and fifty-nine, by the several Boards of Examiners in the cities of Montreal and Quebec, and in the Districts of Kamouraska, Gaspé, Three Rivers and Ottawa, and in the Counties of Sherbrooke and Stanstead respectively, shall in like manner only avail for such territorial limit, and for such class or classes of Schools, as the Governor in Council upon like report may from time to time ordain.”

For what Schools and places the certificates granted to teachers shall avail.

2. The Council of Public Instruction for Lower Canada, by regulation to be approved by the Governor in Council, may from time to time provide in such manner, and under such conditions as may be deemed expedient, for requiring any Teacher or Teachers holding any certificate granted by any

Teachers may be required to be examined *de novo*.

Board of Examiners of Teachers in Lower Canada, to submit to examination *de novo*, by such Board; and in default of any such Teacher so doing, or in case of failure of such Teacher thereupon for any cause to obtain a new certificate, the certificate theretofore granted, shall become and be held null and void.

C A P . X L I X .

An Act to amend the Act twenty-seventh Victoria, chapter eleven, respecting the collection of School rates.

[Assented to 18th September, 1865.]

Preamble.
27 V. c. 11.

WHEREAS it is expedient to remove doubts as to the application of the Act twenty-seventh Victoria, chapter eleven, to the School Corporation of the City of St. Hyacinth: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain powers conferred on the School Corporation of St. Hyacinth.

1. All the powers conferred on the Mayor and Secretary-Treasurer of the City of St. Hyacinth by the sixty-first section of twenty-seventh Victoria, chapter twenty-two, and all the powers conferred on the Wardens and Secretary-Treasurers of Counties by chapter twenty-four of the Consolidated Statutes for Lower Canada, for the collection of municipal taxes, are hereby conferred upon the School Corporation of the City of St. Hyacinth, in so far as relates to the collection of taxes and other School rates due and payable in the said city; and the powers and duties vested in the Mayor and Secretary-Treasurer of the said City of St. Hyacinth, and discharged by them, in relation to the collection of Municipal rates in the said City of St. Hyacinth, and the powers and duties of the Warden and Secretary-Treasurer of the County of St. Hyacinth, with respect to the collection of municipal rates in the local municipalities of the said county, are conferred upon the Chairman and Secretary-Treasurer of the School Commissioners of the City of St. Hyacinth, and shall be discharged by them for the purposes of the collection of School rates in the said City of St. Hyacinth.

Public Act.

2. This Act shall be deemed a Public Act.

C A P. L.

An Act to amend the Lower Canada Consolidated Municipal Act.

[Assented to 18th September, 1865.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. Notwithstanding anything in the tenth subsection of section forty-six of the said Act, whenever a special superintendent deposits a report or *procès-verbal*, not more than one month nor less than ten clear days before the time fixed for a general session of the County Council, no special session of the Council shall be held to examine or revise the same, but it shall be examined or revised at such general session; and the Secretary-Treasurer, within the next three days after such deposit, shall give special notice in the premises to the members of the Council, and also due public notice to the inhabitants interested.

Revision of report, &c., of special Superintendent.

2. The Municipality of St. George de Windsor is hereby declared to be among the number of the municipalities exempted from the operation of the first subsection of the fifty-third section of the Lower Canada Consolidated Municipal Act, and shall be held to be on the same footing as the other Local Municipalities, which are not affected by the said first subsection of the said section.

St. George de Windsor exempted from subject 1 of sect. 53.

3. The duty of revision devolved on County Councils by the twenty-fourth subsection of the fifty-sixth section of the said Act, may and shall be performed, either at their general session held in September, or at any special session to be held for the purpose, at some period not later than the fifteenth day of September, in every year during which new valuation rolls are made.

Revision of valuation rolls.

4. If, from any cause, the term for which any valuation roll for a Municipality has been or shall be made, has expired, or shall expire, before the coming into force of a new valuation roll, any assessment made, or to be made, for any purpose, during the period between the expiration of such term and the coming into force of the new roll, shall be held valid, if based upon the old roll.

Case of expiration of valuation roll, provided for.

C A P . L I .

An Act respecting the erection of Towns and Villages
in Lower Canada.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Section 4 of 27
V. c. 9,
repealed, and
a new section
substituted, in
lieu thereof, for
subsection 2 of
sec. 36, of cap.
24 of Con.
Stat. L. C.

1. The fourth section of Act passed in the twenty-seventh year of Her Majesty's Reign, chapter nine, intituled: *An Act further to amend the Lower Canada Consolidated Municipal Act, chapter twenty-four of the Consolidated Statutes for Lower Canada*, is hereby repealed, and the following section is substituted, in lieu thereof, for the second subsection of the thirty-sixth section of the said chapter twenty-four of the Consolidated Statutes for Lower Canada thereby repealed, and which shall remain repealed, namely,—“upon the presentation to a County Council of a petition applying for the erection into a Town or Village Municipality of any tract of land whatsoever, situated in a local Municipality and clearly defined in the petition, said petition being signed by at least two thirds of the inhabitants residing within the limits of the said tract of land, and entitled to vote at the election of Local Councillors, the County Council shall refer the said petition to the person appointed as Special Superintendent, with orders to visit such tract and to report on the petition.”

C A P . L I I .

An Act to amend the Acts respecting the building
and repairing of Churches, Parsonage Houses, and
Church-yards.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it is expedient to amend the Acts respecting the erection and division of parishes, the building and repairing of Churches, Parsonage Houses and Church-yards, and Fabrique meetings, and to make better provision for the payment of debts which may remain due on buildings taken possession of by Fabriques: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sect. 8 of c. 18,
Con. Stat. L.
C. amended.

1. Section eight of chapter eighteen of the Consolidated Statutes for Lower Canada, is amended by the addition after the words, “in any of the said cases, on a petition of a majority of the inhabitants (being freeholders),” in the ninth and tenth lines, of the following words, “of the territory designated in such petition.”

2. The following section shall be substituted for and read as section twenty-six of the Act above cited in lieu of the section substituted therefor, by section five of the Act twenty-seventh Victoria, chapter ten, which is hereby repealed :

Sect. 26
amended.

“ No sum of money to be so raised in virtue of any act of assessment authorized by the said Commissioners, after the passing of this Act, shall be exigible and payable in less than twelve equal instalments ; and the said Commissioners shall, in their judgment of homologation of the said act of assessment, determine and fix the terms or dates of such payment ; Provided that such instalments do not extend over less than three, nor more than eight years.”

New provision :
payment by
instalments.

Proviso.

3. The following paragraph shall be added to section thirty-two of chapter eighteen of the Consolidated Statutes for Lower Canada, in lieu of the paragraph added thereto, by section six, of the Act twenty-seventh Victoria, chapter ten, which is hereby repealed :

Sect. 32
amended.

“ The assessment above mentioned shall be held to be imposed for the purposes of this section, from the day of the deposit of the act of assessment, prepared by the trustees in accordance with the second subsection of the twenty-second section of this Act.”

When assess-
ment shall be
held to be
imposed.

4. Section seven of the said Act passed in the twenty-seventh year of Her Majesty's Reign, is hereby repealed, and the following is substituted therefor, and shall be read in lieu thereof :

New section
in lieu of Sec.
7 of 27 Vic.,
cap. 10.

“ 7. When a Fabrique shall have taken possession of a Church, Sacristy, Parsonage House or Public Hall, and any one of such buildings shall have been erected or repaired before or after the civil erection of the parish, either by such Fabrique, or by voluntary subscriptions, or by legal assessment, and moneys shall remain due to the builder or contractor of such building, or to the party who shall have lent or advanced moneys to defray the expenses of erection or repairs, in whole or in part, or to both of them, and the said Fabrique, having applied such building to the purpose for which it was erected or repaired, have ascertained the impossibility of paying such debt upon its falling due, by means of the revenues at its disposal, such Fabrique may, after an authorization to that effect given by a meeting of the parish regularly called, apply to the Commissioners in order that the church-wardens in office may be authorized to levy upon the Catholic freeholders of the parish, the sum required for the payment of the said debts, and the said church-wardens shall, in relation thereto, observe all that is prescribed by the twenty-second section of chapter eighteen of the Consolidated Statutes for Lower Canada ; Provided always, that the said church-wardens, with the consent of the said Commissioners, may exempt those

Assessment to
pay debt due
on property
of Fabriques.

Proviso :
exemption of

those

parties who
have paid
voluntarily.

those of the said freeholders who shall have contributed towards the said erection or repairs, by voluntary subscriptions, from a portion or from the whole of the said assessment, according to the amount so paid by the said freeholders, deducting therefrom any amount which may have been repaid to them, unless the re-payment of such voluntary subscriptions shall have been otherwise provided for."

Order during
sittings.

" 1. During their sittings, the Commissioners shall adopt the same means and have the same powers, and the same authority for keeping order during such sittings, as those now conferred by law, in similar cases and for similar purposes, upon all Courts of law in this Province, or on the Judges thereof respectively during the sitting of such Courts ; "

Majority to
decide casting
vote.

" 2. The majority of the Commissioners present at any meeting shall decide all questions arising before them, and in case the Commissioners are equally divided, the President shall have a casting vote ; "

Deputing per-
son to take
evidence.

" 3. The Commissioners may, whenever they consider it expedient to do so, authorize and appoint one of their number, or another person, to take and receive the depositions of the witnesses at the place where the latter reside ; and the person so appointed shall, for the purpose of examining such witness under oath, have the same powers as the Commissioners themselves ; "

Act of assess-
ment may be
made by
majority.

" 4. Every act of assessment which may hereafter be prepared by a majority of the persons, whether trustees or church-wardens in office, authorized to that effect by the Commissioners, shall be as valid and effectual as if it had been prepared by all and each of such persons."

Sect. 8 of 27 V.
c. 10 repealed.

Section eight of the said Act twenty-seventh Victoria, chapter ten, is hereby repealed, and the following substituted therefor :

New section.

" 8. The Secretary to the Commissioners shall not be entitled to demand for his services and writings more than the sums hereafter enumerated, namely :

Fees to secre-
tary.

On application for civil erection or civil annexation of a parish, all petitions in opposition to any such applications and including copy of judgment.....	\$15 00
For each copy of notice of meeting.....	0 20
" decree.....	2 34
" copy of decree.....	1 00
For the original of each notice.....	1 00
For each copy of ".....	0 25
For the filing of each exhibit.....	0 20

For

For detailed list of each exhibit.....	0 25
For homologation of act of assessment.....	4 00
For certificate of homologation at foot of act of assessment	1 00
For copy of an act of assessment, six cents per hundred words, and for the certificate on the copy.....	1 00

“ In case of contestation, or personal attendance on the spot, it shall be lawful for the Commissioners to fix an adequate rate of remuneration, paying due regard to the additional proceedings arising out of such contestation, or such personal attendance, or both, as the case may be.”

Commissioners may fix fees for certain services.

6. It shall be lawful for any Fabrique to borrow money and grant mortgages or hypothecs on the real estate of the said Fabrique for the sums loaned, provided no such loan shall be made and no such mortgage shall be granted, unless the canonical regulations with respect to the same shall have been complied with, nor unless the authorisation of the parishioners shall have been first obtained at a meeting called and held in the manner required for all extraordinary expenditure of the said Fabriques, except in the parishes where such meetings are not required by law or usage ; provided that this clause shall have no retroactive effect, import or meaning ; but the rights of all parties shall be determined by the Courts of Justice according to law, so that this clause shall not in any way affect or influence such determination.

Fabriques may borrow money, on mortgage. Proviso.

Proviso.

7. And for the removal of doubts, it is declared and enacted, that whenever any land has been or shall hereafter be sold, conveyed or devised by any person or corporation not liable to assessment under section twenty-three of the Act first above cited, to any person, party or corporation professing the Roman Catholic Religion, and such land has thereafter become or shall become liable to assessment under either of the Acts hereby amended, the hypothec or charge for such assessment has ranked and shall rank after any privilege of *bailleur de fonds* in favor of such vendor, and after any hypothec or privilege anterior to such sale, conveyance or devise ; any thing in either of the said Acts to the contrary notwithstanding.

As to effect of sales by Protestants to Roman Catholics.

8. If within the said period no opposition is made to the said civil recognition of the said canonical decree, the said Secretary shall transmit the said canonical decree to the Governor, together with a certificate signed by him to the effect that no opposition has been filed with him within the said period.

If no opposition is made within the time limited, Secretary to certify to Governor.

9. On receipt of such decree and certificate, the Governor may, without any *procès-verbal* or report from the Commissioners, issue a Proclamation under the Great Seal of the Province

Governor may issue proclamation.

Province as provided for in section fifteen of the said chapter, which Proclamation shall have and produce the same effects as a Proclamation issued in virtue of a *procès verbal* and report of the said Commissioners.

Parish of St. Norbert du Cap Chat recognized and described.

10. From and after the passing of this Act the parish of St. Norbert du Cap Chat, comprising parts of the Townships of Cap Chat and Romieux, the limits and extent of which were established by a Canonical Decree of the Bishop of Tloa, administrator of the Diocese of Quebec, dated the tenth day of May, of the year one thousand eight hundred and sixty-four, as follows, that is to say : towards the north-east by the parish of Ste. Anne des Monts ; towards the north-west by the river St. Lawrence ; towards the south-west by the line of division between the twentieth and twenty-first lots in the six first ranges of the said Township of Romieux ; towards the south-east by the seventh ranges of the said Township and of the Township of Cap Chat, and comprising a tract of land of about eight miles in front by about five miles in depth, shall be and is hereby recognized and erected as a parish for all civil and political purposes whatever, in the same manner as if it had been erected by Proclamation according to law ; and the said part of the parish of Romieux, comprised within the limits of the said parish, shall, from and after the passing of this Act, in compliance with the prayer of the petition of freeholders of the said parish of Saint Norbert, form part of the County and District of Gaspé for all parochial, electoral, judicial, municipal, school and registration purposes :

Part of Township of Romieux to be in Gaspé.

Township of Romieux not discharged from its obligations.

2. But nothing herein contained shall be construed to discharge the said part of the Township of Romieux from any municipal, school or other debt contracted by the said Township before the passing of this Act.

Recital as to Seigniorship of Terrebois, in parish of St. Antonin.

11. And whereas the whole of the freeholders of a certain part of the Seigniorship of Terrebois, in the County and district of Kamouraska, have, by their petition, represented that by a Canonical Decree, dated the tenth day of April, of the year one thousand eight hundred and sixty-five, rendered by the said Bishop of Tloa, administrator of the Diocese of Quebec, in compliance with the request by them made to that effect, the said part of the said Seigniorship was annexed to the Parish of St. Antonin, in the County of Temiscouata, in the said District, and that it is very inconvenient for them in their civil and political relations to belong to different civil divisions, it is hereby enacted that from and after the passing of this Act the said part of the said Seigniorship described in the said Decree as follows, that is to say : bounded towards the north and north-east by the parish of Saint Antonin ; towards the west and north-west by the river called *Grande Rivière du Loup* ; towards the south-west partly by the line dividing the land of Pierre Caron from the land of Mrs. Widow Jean Charles Taché, in

Part of the said Seigniorship to be in parish of St. Antonin.

in the fifth concession of the said Seigniorship of Terrebois; and partly by the south-west line of the land of Cajetan Dubé, situate in the sixth concession of the said Seigniorship and the prolongation thereof in a straight line as far as the Township of Parke; and towards the west by the said Township of Parke, shall form part of the said parish of St. Antonin and of the said County of Temiscouata, for all civil, electoral, municipal, school and registration purposes :

2. But nothing herein contained shall be construed to release the said part of the said Seigniorship from liability for the payment of any debt contracted for municipal, parochial or other purposes before the passing of this Act. Proviso: not to be released from its obligations.

12. This Act shall be interpreted, to all intents and purposes, as forming part of chapter eighteen of the Consolidated Statutes for Lower Canada. Interpretation.

C A P . L I I I .

An Act to provide for the Preservation of Standing Timber.

[Assented to 18th September, 1865.]

WHEREAS in most of the old Counties of Canada, the inhabitants experience serious difficulty in obtaining wood for fuel and building purposes, and whereas it is advisable to profit by past experience, and to adopt measures, while there is yet time, to prevent the inhabitants of new Townships from being subjected to similar inconveniences: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. Whenever it shall be considered expedient to erect into a Township, any certain extent of the waste lands of the Crown in this Province, it shall be the duty of the Commissioner of Crown Lands to set apart in such Township a reserve of wood land which shall form not more than one-tenth nor less than one-twentieth of the superficial area of such Township; and the limits whereof shall be fixed and defined at the time of the erection of such Township, and the Commissioner shall, whenever he deems it expedient, make a reserve for a like purpose in all townships already erected, and in which the Crown owns a sufficiency of wood land. Reserve of wood lands to be set apart in each new Township.

2. Such reserve may be in a single lot, or divided into several lots according to circumstances. Such reserve may be divided.

3. And to provide for the difficulties which might arise respecting the rights and duties as between neighbors (*droits de voisinage, découverts, fences, ditches, and all others.*) which the inhabitants As to droits d voisinage.

inhabitants residing on the lots contiguous to such reserve might claim, the patents of the lots so situated shall contain a condition binding the proprietors, tenants or occupants of such lots, to renounce for ever any claim to all rights and duties as between neighbors (*droits de voisinage*), and a reduction may be made in the selling price of such lots in consideration of the disadvantages which might result from the preceding provision, if the Commissioner of Crown Lands deems it advisable.

Management of reserve.

4. The Governor in Council may transfer the control and management of every such reserve to such municipal or other authorities willing to undertake the same, as he shall think proper to select, and under such conditions as he shall impose.

Cap 25 Con. Stat. Can. not affected.

5. Nothing in this Act contained shall have the effect of restricting in any way whatsoever, the rights, powers and privileges conferred by Chapter twenty-five of the Consolidated Statutes of Canada.

Act limited to L. C.

6. This Act shall apply only to Lower Canada.

C A P . L I V .

An Act to facilitate Prosecutions under the Act respecting Tavern-Keepers and the Sale of Intoxicating Liquors.

[Assented to 18th September, 1865.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Subjects. 4, 5 of Sect. 14 of c. 18 of 27, 28 V. to apply to certain cases.

1. The fourth and fifth subsections of the fourteenth section of the eighteenth chapter of the Statutes of Canada, passed in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, shall apply to all prosecutions instituted under the Act, forming chapter six of the Consolidated Statutes for Lower Canada, respecting Tavern-keepers and the Sale of Intoxicating Liquors, but with the omission of the word "such," where it occurs the second time in the first line of the said fourth subsection.

Cap. 6 Con. Stat. L. C. amended.

2. In the said chapter six of the Consolidated Statutes for Lower Canada, the words "Justices of the Peace" shall include a Stipendiary Magistrate, Recorder, Judge of the Sessions of the Peace, Sheriff, Police Magistrate or Mayor, or two other Justices of the Peace, as the case may be.

C A P . L V .

An Act to amend Chapter Seventy-five of the Consolidated Statutes for Lower Canada, respecting the division of Lower Canada into Counties, in so far as it relates to the Counties of Rimouski and Gaspé.

[Assented to 18th September, 1865.]

WHEREAS it is desirable, with the view of promoting the effectual carrying out of the laws relating to Municipalities, Registration, Schools and other matters, that when portions of one or more Townships are canonically erected into a Parish, the entire territory constituting such Parish should be annexed to, and included within one of the Municipalities to which some portion of the said Parish belongs; and whereas the Parish of St. Norbert du Cap Chat, in the Township of Cap Chat, in the County of Gaspé, comprises within its limits as canonically erected a portion of the Township of Romieux, in the County of Rimouski, and it is expedient that the said portion of the said Parish shall, when the civil recognition thereof has been obtained, be annexed to the County of Gaspé: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. So soon as the Parish of St. Norbert du Cap Chat, as canonically erected by decree, bearing date the tenth day of May, one thousand eight hundred and sixty-four, shall have obtained civil recognition, all that portion of the said parish which now forms part of the Township of Romieux, in the County of Rimouski, shall be detached from the said township, and be annexed to and included within the Township of Cap Chat, in the County of Gaspé, for the purposes of representation, and for all parochial, municipal, judicial, registration, school and other purposes whatsoever to all intents, as though the whole of the said parish had always been included in the said last township and county.

Part of Romieux to be in County of Gaspé when St. Norbert is recognized as a Parish for civil purposes.

2. This Act shall not have the effect of discharging the said portion of the Township of Romieux from any municipal, school or other debts which it may have contracted, or for which it might be held responsible while forming part of the said township.

Not to effect obligations of Romieux.

C A P. L V I.

An Act further to provide for the deepening of the Ship Channel between Montreal and Quebec.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it appears that there is a still subsisting agreement between the Provincial Government and the Harbour Commissioners of Montreal, whereby the latter have undertaken to complete the deepening of the Ship Channel through Lake St. Peter, and between Montreal and the tide water above Quebec; and that it is necessary that in order to enable them to complete their said engagement, the said Harbour Commissioners should be empowered to borrow a further sum of money: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Harbour Corporation may borrow £25,000 sterling to complete their engagement to deepen the channel from Quebec to Montreal.

1. For the purpose of enabling the corporation of the Harbour Commissioners of Montreal to carry out their agreement with the Provincial Government, to complete the ship channel in Lake St. Peter and in the River St. Lawrence, to the depth of not less than twenty feet at low water, and three hundred feet wide, throughout the said channel between Montreal and the tide water above Quebec, it shall be lawful for the said Corporation to borrow, either in this Province or elsewhere, at par, 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 twenty-five thousand pounds sterling, and to expend the same for the said purpose, in such manner as may be best calculated to complete the ship channel aforesaid.

Out of what funds such loans shall be repaid.

2. The sums of money which may be borrowed under the last preceding section, together with the interest thereon, shall be paid out of the revenue arising from the dues, rates and penalties levied, and to be levied within the said Harbour of Montreal.

Machinery, &c., now in use not to be sold.

3. And whereas the steamers, dredges, vessels, machinery, tools and implements, constructed by the Province, and placed under control of the said Harbour Commissioners, and referred to in the first section of the twenty-seventh and twenty-eighth Victoria, chapter twelve, are now worn out and replaced by others, it is therefore enacted, that all the steamers, dredging vessels, scows, machinery, tools, chains and other implements now in use, for the improvement of the channel to a depth of twenty feet at low water, (or when there are eleven feet on the flats of Lake St. Peter,) shall not be disposed of or sold by the Commissioners, until the said improved channel is completed.

4. Any provision in the Act passed in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter twelve, which is inconsistent with this Act, is hereby repealed.

Inconsistent enactments repealed.

CAP. LVII.

An Act to amend and consolidate the provisions contained in the Acts and Ordinances relating to the incorporation of and the supply of water to the City of Quebec.

[Assented to 18th September, 1865.]

WHEREAS it is expedient to amend and consolidate the several Acts and Ordinances relating to the incorporation of and the supply of water to the City of Quebec: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

CORPORATION.

1. The inhabitants of the City of Quebec shall form and are and shall be and continue to be a body corporate in fact and in name, by and under the name and title of the "Corporation of the City of Quebec," and shall be trustees, and responsible as such for the due performance of the trust.

Incorporation and name.

CORPORATE NAME AND GENERAL POWERS.

2. The said Corporation has and shall have perpetual succession, and a common seal, with power to break, renew, change and alter the same at pleasure, and may sue and be sued, implead and be impleaded, in all courts of law and equity, and other places, in all manner of actions, causes and matters whatsoever, and may accept, take, purchase and hold goods and chattels, lands and tenements, real and personal movable or immovable estate, and may grant, sell, alienate, assign, demise and convey the same; and may enter into and become a party to contracts; and give and accept any bills, bonds, judgments, or other instruments or securities for the payment or securing the payment of any money borrowed or lent, or for the performance or securing the performance of any duty, matter or thing whatsoever, as hereinafter provided.

Corporate powers, holding property, &c.

Bills and notes, &c.

BOUNDARIES OF THE CITY.

3. The City of Quebec, for all municipal purposes, comprises the whole extent of land within the limits assigned to the said city by a certain proclamation of His Excellency Sir Alured Clarke, bearing date the seventh day of May, one thousand seven hundred and ninety-two, and in addition thereto, all land

Boundaries defined.

land extending to low water mark of the River St. Lawrence, in front of the said city, including the shore of the River St. Charles, opposite the said city; as limited by high water mark on the north side of the said river, from the prolongation of the west line of St. Ours street, to the west line of the farm of the Nuns of the Hôtel-Dieu; 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 mark; thence running due east, about eight hundred feet, to the intersection of the line limiting the beach grants of the seigniory 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 line of the Commissioners for the Harbour of Québec, and thence following the said Commissioners' line to the westerly line of the city; the said city also comprises all wharves, piers and other erections, made or to be made in the said River St. Lawrence, opposite to or adjoining the said city, though extending beyond the low water mark of the said river, and being within the said Commissioners' line and even beyond the same, should it be hereafter extended or reduced.

BOUNDARIES OF THE WARDS.

Eight wards. 4. The said city is divided into eight wards, to wit:—St. Lewis Ward, Palace Ward, St. Peter's Ward, Champlain Ward, St. Roch's Ward, Jacques Cartier Ward, St. John's Ward and Montcalm Ward, and these wards are respectively bounded as follows:

St. Lewis. St. Lewis Ward comprises all that part of the Upper Town within the fortifications, and south of a line drawn from Prescott Gate to St. John's Gate, along the middle of Mountain street, Buade street, Fabrique street, and St. John street.

Palace. Palace Ward comprises all that part of the Upper Town within the fortifications, and not included in St. Lewis Ward.

St. Peter's. St. Peter's Ward comprises all that part of the Lower Town bounded on the south by a line drawn in the middle of Sous-le-Fort street, and prolonged in the same direction to low water mark in the River St. Lawrence at the one end; and to the cliff below the castle of St. Lewis at the other, and on the west by the eastern limits of the parish of St. Roch, together with all the wharves, piers and other erections, opposite to this part of the Lower Town, although built beyond low water mark in the said river;

Champlain. Champlain Ward comprises all that part of the Lower Town lying between St. Peter's Ward and the limits of the said city; together with all wharves, piers and other erections, opposite thereto; although built beyond the low water mark in the said river;

St. Roch's Ward comprises all that part of the parish of St. Roch's Roch which lies within the limits of the said City of Quebec, on the north-west side of a line drawn in the middle of St. Joseph street, from one end to the other ;

Jacques Cartier Ward comprises all that part of the parish Jacques Cartier of St. Roch which lies within the limits of the said City of Quebec, not comprised in the St. Roch's Ward ;

St. John's Ward comprises all that space bounded by Jacques Cartier Ward, the fortifications, the limits of the said city on the west, and a line drawn in the middle of St. John street from St. John's Gate to the western limits of the city.

Montcalm Ward comprises all that space bounded by the fortifications on the east, and on the west by the city limits, on the north by St. John's Ward, and on the south by the *cime du cap* of the St. Lawrence.

OF THE CITY COUNCIL.

CONSTITUTION.

5. From and after the third Monday in January, next after the passing of this Act, the council of the city shall consist of the mayor and of eight aldermen and sixteen councillors, being one alderman and two councillors for each ward ; aldermen and councillors shall hold office for three years :

Council, how composed.

2. The mayor shall be elected by a majority of the votes of such of the electors of the said city as are qualified to vote for aldermen of the said city, being proprietors of real estate within the city, of the assessed annual value of fifty dollars or upwards, and whose names are on the voters' lists for mayor, hereinafter provided for ; he shall hold office for one year ;

Mayor, by whom elected.

Term of office.

3. The mayor shall receive out of the funds of the said city, a salary to be fixed by the council, and which shall not exceed twelve hundred dollars, nor be less than six hundred dollars ;

Salary of mayor.

4. From and after the third Monday in January, next after the passing of this Act, each ward of the city shall be represented in the city council by one alderman and two councillors, who shall be severally elected for three years, by the duly qualified electors of such ward ;

How each ward shall be represented.

5. One third part of the said council shall be renewed annually, by the retirement of one member of the council from each and every ward ;

One third to retire yearly.

6. The vacancies which shall occur at the end of the now current municipal year, by the retirement of a councillor from each

Vacancies at end of current year.

each ward of the city, shall be filled by the election of an alderman for each ward ;

Present mayor ; term of office.

7. The person who shall be mayor of the said city at the time of the passing of this Act, shall continue to hold the said office until the election of his successor under this Act, unless he sooner resign his seat in the said council, under the provisions of subsection eleven of section eight of this Act, or vacate his office under the provisions of the ninth section of this Act ;

Present councillors.

8. Every person who shall be a councillor of the said city at the time of the passing of this Act, shall continue to hold his office as such until the end of the term for which he was elected such councillor, unless he sooner resign or vacate his seat as aforesaid.

QUALIFICATIONS OF THE MAYOR AND OF MEMBERS OF THE COUNCIL.

Property qualification.

6. No person shall be capable of being elected or holding office as mayor, alderman or councillor of the said city, unless he has been a resident householder within the said city, for one year next before such election, nor unless he be, at the time of his election, and continue during the period of his tenure of office to be, seized or possessed, to his own use, of real estate, within the said city, free from all incumbrances, of the value of two thousand dollars ; nor unless he be a subject of Her Majesty, by birth or naturalization, and of the full age of twenty-one years :

To be British subjects.

Declaration of qualification.

2. Every candidate for election as mayor, alderman or councillor, before being capable of acting as such, shall, besides taking the oath of allegiance and qualification required by the next following subsection, deposit with the city clerk, a declaration, in writing, to the effect that he possesses the qualifications above mentioned, and he shall insert at the foot of the declaration, a correct description of the lands on which he claims to be qualified to be elected ;

Oath of allegiance and qualification.

3. Neither the mayor nor any alderman or councillor shall be capable of acting as such, until he shall have taken the oath of allegiance and of qualification, contained in the Schedule A of this Act ;

Certain persons disqualified.

4. No person being in Holy Orders, or being a minister or preacher of any dissenting sect, or religious congregation, nor any judge, nor clerk of any court, nor any member of the Executive Council, nor any person accountable for the city revenue, or receiving any pecuniary allowance from the city for his services, nor any clerk or assistant employed by him at any such election, while so employed ; nor any person convicted of treason or felony in any court of justice in any of Her Majesty's

Majesty's possessions; nor any contractor with the corporation, or who has a share in any contract or agreement, or is the surety of any contractor with the said corporation, shall be capable of being elected mayor, alderman or councillor for the said city.

QUALIFICATIONS OF ELECTORS.

7. No person shall be entitled to vote for mayor, alderman or councillor, unless he be at least of the age of twenty-one years, and assessed as provided for by this Act, and have paid his assessments one month at least before such election, nor unless he be a subject of Her Majesty, by birth or naturalization, nor unless his name be on one or both of the voters' lists, for mayor and aldermen and for councillors, for the ward in which he desires to vote :

General qualification.

2. No person shall be entitled to vote for mayor or alderman unless he be a proprietor of real estate within the said city, of the assessed annual value of fifty dollars or upwards, nor unless his name be on the voters' list of those qualified to vote for mayor and aldermen, for the ward in which he desires to vote ;

To vote for mayor or alderman.

3. No person shall be entitled to vote for a councillor as proprietor, unless the assessed annual value of his property amounts to at least eight dollars, nor as coproprietor unless his share of the annual value of the property be assessed at the same amount, nor unless his name be on the voters' list for councillors of the ward in which he desires to vote ;

To vote for councillor as proprietor.

4. No person shall be entitled to vote for a councillor as a tenant, occupant or usufructuary, unless the assessed annual value of the property he occupies, or of which he has the enjoyment, amounts to the sum of thirty-two dollars, nor unless his name be on the voters' list for councillors as aforesaid ;

As tenant.

5. No person being an officer or servant of the Corporation, and receiving any fixed and regular income or wages from the Corporation as such, shall be entitled to vote at any election for mayor, alderman or councillor in the said city.

Persons disqualified.

VACANCIES, &c.

8. If a vacancy should occur, during any municipal year, in the office of mayor, the city council shall, at the first meeting of the said council thereafter, elect from among the members of the said council another fit person to be mayor for the remainder of the period for which the mayor whose place is to be supplied, was to serve, but such election by the Council shall not render vacant the seat of the member so elected :

Mayor vacating.

Mayor absent.
&c.

2. Whenever the mayor is absent from the city, or is incapable from sickness of discharging his duty, the council shall elect from among its members, one who, during such absence or sickness shall possess all the power, authority and rights vested in the mayor, under the name of "acting mayor;"

Fine for refusing office, &c.

3. Any person duly elected to the office of mayor who refuses to accept the same, shall pay a fine of four hundred dollars; and if the mayor absent himself from the city during more than three consecutive calendar months (except in case of sickness or on public business), he shall in such case cease to hold office as mayor, and shall be liable to the penalty appointed for refusal to accept such office;

To be a J. P.

4. The mayor shall be *ex officio* a Justice of the Peace for the City and District of Quebec;

Alderman or councillor vacating.

5. All extraordinary vacancies in the office of alderman or councillor shall be filled and supplied for the remainder of the term of office on a day to be appointed by the mayor, in the same manner and way as when the ordinary term of office of alderman or councillor expire;

Penalty for refusing office &c.

6. Any person who neglects or refuses to accept the office of alderman or councillor, after having been duly elected thereto; and any alderman or councillor who neglects or refuses to discharge his duty as such, or absents himself from the city, during more than six consecutive calendar months (except in case of sickness, or on the business of the said corporation), shall incur a penalty of two hundred dollars, and the seat of such alderman or councillor shall thereby become vacant;

Notice of acceptance.

7. Every alderman and councillor shall within forty-eight hours, after he shall have been notified of his election, give notice in writing, to the city clerk, of his acceptance of the office;

If elected for more than one ward.

8. Every alderman or councillor elected for more than one ward of the city, shall, within three days after he has received notice thereof, make his choice, in writing, to the city clerk, and on his default, the mayor shall declare for which one of the said wards such person shall serve;

Penalty for not giving notice.

9. Any person elected to the office of alderman or councillor who fails to give the city clerk the prescribed notice, shall incur a penalty of two hundred dollars, and a new election shall be held to fill any vacancy occasioned by such double election, or by the non-acceptance or failure on the part of the member elected to discharge the duties of his office as such;

To be J.P's.

10. Every alderman and councillor shall be *ex officio* a Justice of the Peace for the City of Quebec;

11. The mayor or any alderman or councillor may, at the expiration of six months tenure of office, and with the consent of three-fourths of the members of the council present at any meeting of the said Council, resign his office or seat in the said Council.

Resigning with leave, &c.

DISQUALIFICATIONS.

9. If the mayor or any alderman or councillor shall be declared insolvent, or shall apply to take the benefit of any Act for the relief of insolvent debtors, or compound with his creditors, or being mayor shall be absent from the city for more than three calendar months, or being an alderman or councillor, for more than six calendar months, at one and the same time, except on account of illness or public business; or if the mayor or any alderman or councillor shall have a share in any contract or agreement with the said corporation, either directly or indirectly, or shall be the surety of any contractor with the said corporation, or derive any emolument or advantage, either directly or indirectly, from any such contract with the said corporation, the office of mayor and of such alderman or councillor shall thereby become vacant; and in case of there being any such contract or surety, the mayor, alderman or councillor concerned therein shall be liable to a fine of one hundred dollars, to be recovered before the Recorder's Court of the City of Quebec, for each and every day that such mayor, alderman or councillor shall thus illegally hold office as such mayor, alderman or councillor.

Disqualifying acts and circumstances.

Contracts with corporation.

EXEMPTIONS.

10. The persons hereinafter mentioned shall be exempted from serving in any municipal office; to wit:

Persons exempt.

2. All persons above the age of sixty-five years who shall claim exemption within five days after having received official notice of their election;

Age.

3. All persons disabled by lunacy or imbecility of mind;

Lunacy, &c.

4. All military, naval or marine officers in Her Majesty's service on full pay; Members of the Provincial Legislature, the Judges of any Court of Law residing in the said city; the Adjutant-General and Deputy-Adjutants-General of Militia; Officers of the Customs, Sheriffs and Coroners, Schoolmasters, the clerks and commissioned officers of the Legislature and of the Executive Council, and the Postmaster and his deputies;

Public servants

MUNICIPAL ELECTIONS.

VOTERS' LISTS.

11. Before the first day of November in each and every year the assessors shall prepare for each ward, from the assessment books

Lists to be prepared, when books

and by whom,
and publication.

books for the then current year, two alphabetical lists, the one being a list of all persons who shall appear by such books to be assessed at rates sufficiently high to entitle them to vote in such ward for mayor and aldermen and the other being a list of persons qualified as aforesaid to vote for councillors, and shall certify each of such lists, and give them to the city clerk before the said first day of November, to be posted up in his office where they shall remain posted up til the fifteenth day of the said month of November, both days included, from nine o'clock in the morning till four o'clock in the evening, and the City Clerk shall, before the said first day of November and up to the said fifteenth day of November, cause a notice of there being so deposited in his office to be published in one French and in one English newspaper in the said city :

Electors
omitted.

2. Any elector who shall desire to have his name added to the lists, or either of them, of any ward, or to have any name erased therefrom, shall prefer his request, in writing, and over his own signature, indicating his place of residence, and the name of the ward in which he resides, and shall cause the same to be delivered to the City Clerk on or before the said fifteenth day of November, at four o'clock in the evening ;

Board of
Revisors.

3. The Mayor of the City of Quebec, the Recorder of the said city, the Judge of the Sessions of the Peace in and for the said city, shall form a Board of Revisors to revise the said lists of voters, and the Mayor shall preside at the meetings of the said board ;

President of
Board.

4. In case of the absence, for any cause whatever, of the chairman of the board, the members of the said board then present as aforesaid, may chose one of themselves to preside at the meeting in the absence of the chairman, and the member so chosen will be vested with all the rights conferred by this Act on the ordinary chairman of the board ;

Quorum.

5. Two of the members present at any meeting of the board may exercise all the powers and attributes conferred on the board by this or any other Act ;

Oath of office.

6. Before entering on their duties, the members of the said board shall make oath before a Justice of the Peace for the District of Quebec, impartially to discharge the duties of their office, and an entry of the said oath of office having been taken shall be made in the minutes of the meeting of the said board ; but each member shall take the said oath of office once only during the time he will act as member of the said board ;

Meeting.

7. The said board shall meet on the twentieth day of November of each year, in the City Hall, at the hour specified in the notice to be given for that purpose ; if the said day is a Sunday or a holiday, the meeting shall be held on the next following juridical day ;

8. If by some unforeseen cause or accident a sufficient number of the members of the said board are unable to be present on any one of the days fixed by this Act, the said board may adjourn to the following day, and notice of the adjournment shall be given to each member of the said board ;

Adjournments.

9. The board shall, each year, at the time hereinbefore mentioned, revise the lists of such voters, and shall admit or reject to the best of its judgment, the legal claims or demands for the insertion of additions to or erasures from the said lists ;

Revision.

10. They shall hear persons present who have made the demands or claims or their duly authorized attorneys ; and may admit or reject the same, and adjourn from time to time until all the lists shall be revised ;

Hearing claim.

11. After hearing the best attainable evidence, the said board may determine and order such names to be added to or erased from the said lists, conformably to the legal claims admitted by the said board ;

Decision.

12. The board may supply or correct any error or omission of the said lists made by the assessors, without, however, adding or striking off any name when no demand for that purpose has been made and admitted ;

Corrections.

13. The chairman of the board may examine under oath (which he is hereby empowered and enjoined to administer), all persons examined as witnesses before the said board ; and the clerk of the board shall make an entry of their names in the minutes of the proceedings of the meeting ;

Examining on oath.

14. The death of any person whose name has been entered in the said lists shall be proved by legal certificate of his death, or by the written deposition, sworn to before a Justice of the Peace of the District of Quebec, of two or more credible witnesses ;

Proof of death of voter.

15. No person shall have his name erased from any list without being heard in person or by attorney, and notice of any demand for the erasure of a name shall be given to the party interested (if he be a resident within the City of Quebec, or to be found therein), and of the day, the place and the hour, when such application will be made ;

Right to be heard.

16. The city clerk shall be the clerk of the said board ; shall keep the minutes of its proceedings, and shall sign them, and also all the notices required by this Act ;

Clerk.

17. Four days at least immediately previous to the said twentieth day of November, the said clerk shall give notice in two newspapers published in the said city, in the French and

Notice of meeting, &c.

English

English languages respectively, of the day, place and hour, when the said board will meet to revise the said lists, and determine the said demands, appointing the order in which the said board shall revise the said lists ;

Filing claims.

18. All claims or demands in relation to any names being added on or erased from the said lists, must be filed in the office of the City Clerk, to or before the fifteenth day of November of each year, and not later ; and after the said day no claim or demand will be received by the said clerk ;

Completing revision.

19. The revision of the said lists shall be completed on the tenth day of December following, and the clerk of the said board shall sign each list so revised, and affix thereunto the city seal, the chairman of the board having previously signed the same ;

Penalty on member refusing to act.

20. If any member of the Board of Revisors appointed as such by or in virtue of this Act, shall neglect or refuse to perform any of the duties required of him by this Act, he shall incur a penalty of eight hundred dollars.

OF CANDIDATES.

NOMINATION OF AND RECEPTION OF VOTES.

Custody of lists.

12. So soon as the voters' lists shall be revised, corrected, signed and sealed in conformity with this Act, they shall be again placed in the City Hall, under the care of the city clerk, until the close of the election, after which they shall remain in the archives, in the office of the said city clerk :

Nomination of candidates.

2. On the first Monday of December in each year, or the first juridical day thereafter, if the first Monday should be a holiday, the nomination of candidates for the office of Mayor shall take place at the City Hall, and the nomination of candidates for the office of Alderman and Councillor shall take place at the places named in each ward by the city council ;

Notice of nomination.

3. Three days at least before the nomination, the city clerk shall give notice, to be published in one French and in one English newspaper published in the said city, of the time and place or places where such nominations of candidates for the offices of Mayor, aldermen and councillors respectively shall take place ; and at the time and place named, any two electors, duly qualified to vote for the candidate they intend to propose, may nominate a candidate ; and (as regards the nomination of candidates as aldermen and councillors) such two electors shall belong to the ward for which they make the nomination of a candidate to the office of alderman or councillor ; if there shall be but one candidate for the office of Mayor, alderman or councillor, he shall be forthwith declared elected ;

4. If there shall be more than one candidate, the presiding member of the council, named for this purpose by the city council, shall grant a poll, and no vote can afterwards be received for any other than the candidates so nominated ;

Granting Poll.

5. When a poll is granted for the election of the Mayor, the voting shall take place in all the wards at the places and at the time appointed by the Council prior to the tenth day of December in each year, and the provisions next following respecting elections, shall, as respects the conducting of the election generally, apply to the election of the Mayor ;

Poll for mayor.

6. When a poll is granted for the election of an alderman or councillor, the voting shall take place in the ward for which the poll has been granted, at the place appointed by the council at one of its sittings, prior to the tenth day of December in each year ; and the voting shall begin on the fifteenth day of December in each year, or if that be a holiday, then on the first juridical day thereafter, and shall continue on such day, and on the next juridical day thereafter only ; the poll shall be opened each juridical day at nine o'clock in the morning, and shall be closed at four of the clock in the afternoon each day ; and three days at least, previously to the voting, the city clerk shall give notice, to be published in one English and in one French newspaper in the said city, of the time and place or places where the said voting shall take place ;

For alderman or councillor.

Two polling days : hours.

Notice.

7. The voting in each ward shall be presided over by such member of the council as shall have been named for that purpose by the said council, at one of its meetings, held previously to the tenth day of December in each year ;

Who to preside.

8. As soon as a poll shall have been granted for any ward, the city clerk shall prepare correct copies of the voters' lists for such ward, for Mayor and aldermen and for councillors respectively, or of such one of the said lists as may be required for the election, for which a poll has been granted, and affix his signature and the seal of the city thereto ;

Copies of lists to be furnished.

9. He shall afterwards certify on each of the said copies under oath before a Justice of the Peace for the District of Quebec, that they are correct copies of the voters' lists for Mayor and aldermen and for councillors respectively for such ward for the current year, and shall thereupon forthwith transmit the said copies of the said voters' lists for such ward to the member of the council appointed to preside at the election in such ward ;

To be certified and transmitted.

10. Every person whose name shall appear in the said copy of the said voters' list for Mayor and aldermen for the said ward, thus transmitted to the member of the council presiding at the election, shall be entitled to vote at the election of a person

Persons on lists to be voters.

person to be the Mayor of the city and of an alderman for the ward for which such list shall have been made, and every person whose name shall appear on the copy of the voters' list for councillors shall be entitled to vote at the election of a councillor or councillors for the ward for which such list shall have been made, and without taking any oath other than that indicated in Schedule A annexed to and forming part of this Act, which oath the member of the council presiding as aforesaid shall have power to administer ;

Voters oath.

Poll books.

11. The city council shall cause books to be prepared, one of which shall be delivered by the city clerk to each member of the council so named, to preside at such election as aforesaid, at least twenty-four hours before the voting shall commence, in which shall be written under separate headings and under the supervision of the said member of the council, during the said voting, the name of each voter who shall vote in the ward where such member of the council presides, together with the name of the candidate for whom such voter shall vote ;

How kept.

12. Separate and distinct columns shall be kept in the said book, at the head of which shall be written the names of the candidates for the office of Mayor, alderman and councillor for whom the electors are to vote, and as each elector votes his vote shall be recorded by the poll clerk by making the figure 1 in the column opposite the voter's name, and in the column at the head of which appears the name of the candidate for which the elector shall have voted ;

Oath may be demanded of voter.

Entry in Poll book.

13. Upon the demand of any candidate, or his duly authorized agent, or any duly qualified elector in such ward, the member of the council presiding shall administer to any voter the oath in Schedule A of this Act : If the voter refuse to take the said oath, the words "refused to swear" shall be written opposite his name, and he shall not be allowed to vote ; if the voter take the oath, the word "sworn" shall be written opposite his name, and his vote shall be received and registered ; in either case the name of the person who demands the oath to be administered shall be written down in the said book in a column to be provided for that purpose ;

Poll clerk.

Oath of office.

14. The mayor shall appoint a clerk for each ward to enter in the poll book under the supervision of the member of the council presiding, the names of all the voters who vote in the ward for which he is appointed, and to make all the entries therein prescribed by this Act ; and such clerk before acting shall take, before the mayor or some member of the council, the oath in the Schedule B appended to and forming part of this Act ;

Voting in more than one ward.

15. Every voter may vote for candidates for the office of alderman or councillor in every ward in which his name shall be

be found legally inscribed on the proper list of voters, but he shall not vote more than once in each ward ;

16. Every duly qualified voter may vote for the candidates for the office of mayor in one ward only, and if his name should be found inscribed in several lists of voters, he shall vote in the ward in which he resides, if he should be qualified; but if he should not be qualified, or if he resides outside of the city limits, he shall declare in writing over his name, at least one month before the election, such declaration being addressed to the city clerk, in which of the wards in which he is qualified he desires to vote for such candidates, in default of which he shall be debarred from the right of voting at the election of Mayor ;

In one only for mayor.

Choice of ward to vote in.

17. In the event of the decease, or absence, from illness or otherwise, of the member of the council appointed to preside at any election as aforesaid, or of any poll clerk appointed as aforesaid, it shall be the duty of the mayor forthwith to appoint another member of the council or poll clerk, to replace the one so absent ; and such new poll clerk shall, before acting as such, take the oath, before the mayor or some member of the council, contained in Schedule B of this Act ;

Decease, &c., of person appointed to preside.

18. At the close of the voting each day in each ward as aforesaid, the presiding member of the council shall add up and ascertain the number of votes recorded in the said poll book, for and in favor of each candidate for the office of mayor, alderman and of councillor respectively, and return the said book to the city clerk immediately after the close of the election, and after having taken and subscribed an oath at the foot of the said book, which oath he shall take before the Recorder, the Mayor or any member of the council, and which shall be in the form of the oath contained in Schedule C appended to this Act, and of which it forms part.

Counting votes, and return of Book.

Oath.

POWERS OF MEMBERS PRESIDING AT ELECTIONS.

13. Every member of the council who presides at such nomination or election in any ward of the city, shall have full power and authority to maintain order and preserve the peace, and if any offence should be committed in his sight, or be proved by information upon oath of one credible witness sworn before and by him, he shall have full power to cause to be arrested on his verbal order, and to imprison upon his warrant for twenty-four hours, in the common gaol of the District of Quebec, any person who shall not maintain order, or preserve the peace, or who shall be armed with any club, stick, bludgeon, or other offensive weapon, or who shall carry any flag, color, banner, ribbon or cockade or other badge, or distinctive mark whatever, to indicate which candidate he supports, or who shall disturb or threaten to disturb the peace or who shall

Maintaining peace and order.

Imprisoning offenders.

shall wilfully hinder or attempt to hinder any elector from exercising his rights as such, or who shall interrupt in any manner the proceedings of any such nomination or election :

Orders to be obeyed, by constable, &c.

2. All officers of Militia, constable and police officers, or gaolers of the District of Quebec, shall be bound to obey the said verbal order and warrant, under a penalty not exceeding one hundred dollars ;

Imprisonment not to discharge fine.

3. The imprisonment of twenty-four hours aforesaid shall not exempt the person or persons so imprisoned from any of the pains and penalties to which he or they would otherwise be liable for the offence committed ;

Carrying flags, &c.

4. Any person who shall, at such nomination or election, carry any flag, banner, color, ribbon, cockade, or other badge indicating the party to which he belongs, or who shall use any violence, menace or malicious practice, or disturb the nomination or election, or shall carry any stick, club, or other offensive weapon, shall be liable to a penalty, for every such offence, of one hundred dollars, or three months' imprisonment, or to both, at the discretion of the Court.

BRIBERY CLAUSES.

What shall be deemed bribery.

14. No elector shall ask or receive any sum of money, or other recompense, by way of gift or loan, or under any other pretext, or allow or consent to allow his assessments or taxes to be paid for him, or make any contract or agreement for any sum of money, office, gift or employment or other recompense whatever, to induce him to give his vote to or in favor of or withhold it from any candidate ; and no person shall, either personally or by his agent, as and by way of gift, recompense, promise, contract, or guarantee of any gift or recompense, or by means of payment of assessment or taxes, bribe or attempt to bribe, or induce any elector to give his vote to or in favor of any candidate ; and any person offending against any of the provisions of this section shall be liable, on conviction, to a penalty of two hundred dollars for such offence, to be recovered with costs, by any one who shall sue for the same before the Recorder's Court of the said city :

Penalty.

Election void for bribery.

2. The election of any mayor, alderman or councillor, shall be declared null and void by any competent Court before which it shall be proved that such mayor, alderman or councillor has given any sum of money, office, place, employment, gratuity, reward or any bond, bill or note, or conveyance of land, or made any promise to give or do any one or more of such acts or things, or to have threatened any elector that he would cause him to lose any office, salary, income or advantage, either by himself or by his authorized agent for that purpose, with the intent to corrupt or bribe any elector to vote for him as candidate for the office

office of mayor, alderman or councillor, or to keep back any elector from voting for any other candidate for the same, 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 the electors.

DECLARATION OF MEMBERS ELECTED.

15. On the first juridical day of December in each year, after the closing of the said voting, at the hour appointed by the notice for its assembling, given by the city clerk, the Board of Revisors shall meet in the City Hall, and shall have all the said ward or poll books brought before them, and shall thereupon ascertain and report to the said council at its first meeting thereafter, the total number of votes given and recorded in the whole of the said books for each candidate for the office of mayor, and the total number of votes given to and recorded for each candidate for the office of alderman, and the total number of votes given to and recorded for each candidate for the office of councillor in the ward to which the poll book relates, and for whom the greatest number of votes has been recorded for the office of mayor, and for the office of alderman and councillor in each ward, and the said council shall, at such sitting thereof, declare the person having the greatest number of votes for the office of mayor to be elected mayor of the City of Quebec, and the person having the greatest number of votes for the office of alderman in each ward, to be elected alderman of the said City of Quebec, and the person having the greatest number of votes for the office of councillor in each ward to be elected councillor of the said city; and in case of equality of votes in respect of either of the said offices of mayor, alderman or councillor, the said city council shall determine and decide which of the said persons having the said equality shall be elected to office; and the said poll-books shall remain in the office and under the care and charge of the city clerk, where they shall be open to inspection by any elector upon the payment of twenty-five cents:

Successful candidates declared.

Mayor.

Alderman.

Councillor.

Ties.

Custody of Poll books.

2. The mayor, aldermen and councillors so elected at the annual election 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 their respective offices, until and after the third Monday in January following their election.

When to enter into office.

MEETINGS OF THE COUNCIL.

16. The city council may meet at periods to be fixed by a by-law, and may adjourn such meetings by giving notice of such adjournment to the members thereof who may not be present at the time of the adjournment:

Meetings and adjournments.

- Who to preside. 2. The mayor shall preside at all sittings of the council, and do and perform the several duties and be invested with the powers and privileges imposed and conferred upon the mayor of the city by this Act until the election of his successor ;
- Quorum. 3. One-third of the whole of the members of the city council shall constitute a quorum, except as otherwise herein provided ;
- When any thing may be done. 4. If anything is required to be done by this Act on a day certain, it may be done as soon thereafter as possible, provided it has not been done owing to the want of a *quorum* ;
- Majority ; not ballot. 5. The majority of the members present shall determine all questions and matters submitted to the council ; the council shall not vote by ballot ;
- Quorum for By-laws. 6. There shall be two-thirds of the whole council present at all meetings for the passing and third reading of a by-law ;
- Mayor's vote. 7. The mayor shall preside at the meetings of the council, and in case of an equality of votes, shall have a casting vote, and in any other case he shall have no vote ;
- Rules. 8. The council may make rules and regulations for its internal government, and for the maintenance of order during its sittings ;
- Order. 9. The mayor shall maintain order and decorum during the sittings of the council ; he may cause to be arrested by any police officer or constable or other person any one who may disturb the order of the council during any sitting thereof, and have him, if he see fit, sent to the nearest police station, to be thence brought before the Recorder's Court, to be dealt with according to law ;
- Punishment for disturbing proceedings. 10. Any person who in any manner whatsoever disturbs the order or proceedings of the council, or refuses to obey the legal orders of the mayor or person presiding at any meeting of the council as aforesaid, or who violates any enactment of a by-law of the council made in virtue of the eighth paragraph of this section, shall incur, on conviction for every offence, a fine not exceeding forty dollars, to be sued for and levied according to law ;
- Absence of Mayor, &c. 11. If the mayor or acting mayor should be absent from any meeting, the council shall choose one of its members to preside ;
- Compelling attendance. 12. The council may, by by-law, compel its members to attend meetings of the council and discharge their duties ;
- Meetings public. 13. The meetings of the council shall be public.

OFFICERS OF THE COUNCIL.

17. The council shall appoint a city clerk, a treasurer, clerk of markets, a city surveyor, one or more road, street, bridge and chimney inspectors, one or more collectors and pound keepers, and such other officers as shall be deemed necessary; and they may remove or dismiss any officer, and appoint another in his place, and may exact security from them, and accord salaries to them, which salaries may be increased or reduced, from time to time, in the discretion of the council; and no reduction under this section shall give any claim for injury or damages as against the corporation, to any person whose salary shall have been so dealt with :

Officers, appointment, removal, salaries, &c.

2. The city council shall not grant any pension or any retiring allowance to any of its officers or servants, or any relief or assistance or other compensation whatsoever, in the nature of an annual or periodical payment, for damage or injuries received in its service, or for any reason or cause whatsoever ;

No pension allowed.

3. If, by the act or neglect of any officer of the council, or of the said corporation, a suit or plaint brought by the said corporation is dismissed, the court, in adjudicating thereon, may, by its judgment dismissing the said suit or plaint, condemn the said officer to pay the amount claimed in the said suit, with interest and costs; or in case of a plaint, the costs thereof, and the said amount and interest thereon, together with the costs thereof, or the costs of the plaint, may be levied in the ordinary course of law against the goods and chattels of said officer, without any other formality or proceeding whatsoever being complied with or taken ;

Responsibility of officers for neglect, &c.

4. If any officer is absent, or incapable of acting, the mayor may appoint an assistant during such absence, and such assistant shall, during the period for which he shall be so appointed, exercise all the powers and perform the duties of the principal so absent ;

Assistants to officers.

5. The city clerk shall keep minutes of all the deliberations or proceedings of the city council; the mayor, or in his absence, the acting mayor, or the member appointed to preside over the council, shall sign such minutes, and every elector shall have access thereto on payment of twenty cents ;

Minutes of proceedings.

6. All copies of minutes, and generally all certificates, documents and papers, signed by the mayor, and countersigned by the city clerk, under the seal of the city, shall be received in all courts of justice, as proof of the contents of the original thereof; and all copies of documents, certified by the city clerk, under the seal of the city, shall be authentic, and shall be evidence, and held as such, in all courts of justice, unless it be specially pleaded that such signatures and seal are forged;

Proof of minutes.

Powers as to
Roads, &c.

7. The city treasurer and city inspector or surveyor shall have the same powers and duties as the treasurer of roads and inspector of highways, roads and bridges, formerly had, in virtue of the thirty-sixth George the Third, intituled : *An Act to make, repair and change the highways and bridges in this Province, and for other purposes.*

Treasurer to
keep accounts ;
who may in-
spect them.

8. The city treasurer shall keep true and correct accounts of all sums of money by him received or paid, indicating the several purposes for which said sums of money shall have been received or paid ; the mayor and the members of the council shall have the right of examining his accounts at all reasonable times, and such accounts, with all vouchers and papers relating thereto, shall be made up and closed on the thirtieth day of April, the thirty-first day of July, the thirty-first day of October, and the last day of February, in each year, and shall be immediately after each of the said days, submitted to the examination of the auditors and members of the council, appointed for this purpose, by the mayor ; after the said accounts shall have been so examined and audited for the quarter ending on the thirtieth day of April, in each year, the said treasurer shall make out in writing, and cause to be printed, a full abstract of his accounts for the year, in one English and one French newspaper published in the said city, after having delivered a certified copy to the city council, and a copy thereof shall be open to the inspection of all the rate-payers of the said city, at the city treasurer's office, at all reasonable hours, free of charge, who shall also be entitled to a copy thereof, on payment of a reasonable price therefor ;

Periods of
making up.

When audited,
abstract to be
made and
published.

Removal of
clerk or
treasurer.

9. The city council shall only have the power to dismiss the city clerk or city treasurer, by a resolution carried by a vote, of not less than two thirds of the members thereof, present at any meeting of the council ;

Obligations of
city officers.

10. All officers appointed by the council, shall be obliged to render to the said council a true account, in writing, of all matters committed to their charge, and also of all moneys which they shall respectively receive ; if they shall not render such account, or deliver up to the said council the papers, books, moneys, documents or other effects belonging to the said council, the said corporation shall make complaint before the said Recorder's Court, which shall order that a warrant do issue from the said court, to arrest and bring this officer before it, and whether such officer shall or shall not appear, or shall or shall not be found, the said court shall hear and determine the said complaint in a summary manner, and if it shall appear to the said court that the said officer owes money to the said corporation, such court shall issue a writ to cause such moneys to be levied by distress and sale of the goods and chattels of the said offender, and if sufficient goods and chattels shall not be found to satisfy the said moneys and the costs of distress,

Remedy
against officers
in default.

or if it shall appear to the said court that such officer has refused, or wilfully neglected to deliver such accounts or vouchers, books, papers, documents or other effects confided to him, or which were in his custody, or has omitted or refused to deliver them to the said corporation, the said court shall imprison the offender in the common gaol of the district of Quebec, where such officer shall remain, without privilege of bail, until he shall have paid such moneys as aforesaid, or shall have delivered a true account, and shall have delivered up such books, documents, papers, effects and vouchers as aforesaid, or shall have given satisfaction to the said council in relation thereto; but no such officer shall be detained in prison for want of sufficient means, for a longer period than three calendar months;

Imprisonment
of offender.

Period.

11. Nothing in the present Act contained shall prevent or restrict any judicial remedy against any officer offending as aforesaid, in the present section, or against any surety for any such officer.

Other remedies
not impaired.

ASSESSMENTS FOR MUNICIPAL PURPOSES.

ASSESSORS—THEIR APPOINTMENT AND DUTIES.

18. Three assessors shall be appointed annually in the month of February by a special board for the purpose to be called the Assessment Board, and which shall be composed of the mayor, the recorder and the judge of the sessions of the peace for the City of Quebec:

Appointment.

2. No person shall be eligible as assessor unless he is seized or possessed to his own use of real or personal estate, or both, within the city, after payment or deduction of his just debts, of the value of one thousand dollars;

Qualification.

3. Any person who shall refuse to accept the office of assessor, shall incur a penalty of two hundred dollars;

Penalty for
refusing to Act.

4. The powers, authority and duties which were vested in the assessors by the thirty-sixth George the Third, intituled: *An Act for making, repairing and altering the highways and bridges within this Province and for other purposes*; and also by the ninth George the Fourth, chapter sixteen; and the thirty-ninth George the Third, chapter five, are and shall continue to be vested in and imposed on the said new assessors, in so far as the same shall not be modified by the by-laws of the said council;

Powers of
assessors.

5. The remuneration of the assessors shall be fixed from time to time by the Assessment Board, and any vacancies among the assessors shall be filled by the said board;

Remuneration.

Valuation of property.

6. The assessors shall each year value all properties within the limits of the City of Quebec, and make returns also of the names of all persons liable to pay any tax, duty or impost, specifying the amount payable by every such person ;

Basis of valuation.

7. The value of immovable property shall be determined by the *bonâ fide* rent thereof ; if the said rent be unjust, unreasonable and disproportioned to the value of such property, the assessment shall be based on the interest of the actual or real value thereof ; if the property shall be occupied or in the possession of the proprietor thereof the assessors shall determine the assessment to be paid thereon, upon and according to the rent which the said property may be worth or ought to produce ; vacant lots shall be assessed upon the interest of the actual value thereof ;

Vacant lots.

Oath of office.

8. The assessors shall not act as such, until they shall have taken before the mayor, the oath of allegiance and of qualification mentioned in the Schedule D, appended and forming part of this Act ;

When they may Act.

9. The assessors shall have the power to assess during the whole year of their term of office ;

Assessment board to fix period for return, &c.

10. The assessment board shall regulate and determine the time when the assessors of the said city shall annually begin their duties, the manner in which they shall perform them, the period within which they shall annually make their first general return of the assessments to be levied in the said city, and the time and manner in which they may or shall correct their said return by extending the same and adding thereto the names of any parties omitted or who shall have become known to the said assessors, or shall have arrived in the said city subsequently to the making thereof, or who shall have become liable to pay any assessment tax or duty to the said city at any time after the said general return shall have been made.

ASSESSMENT ROLLS.

Roll to have a column for interest rates under this Act.

How money collected for such rates shall be dealt with.

19. In the next assessment rolls made up after the passing of this Act, and in every succeeding assessment roll, there shall be a column headed, " Interest rates under the Act of 1865," and the city treasurer shall deposit any moneys received by him from such rates to the credit of an account to be kept in the name of the said corporation in one of the Chartered Banks of the Province, and the moneys so collected, received or deposited, shall be applicable only to the payment of interest to become due on the Bonds mentioned in Schedule L to this Act, as it becomes due, and shall be applied in no other manner whatever ; and any person applying such moneys or knowingly permitting them to be applied for any other purpose than is provided for in this section, shall be civilly liable for the

the amount, and shall be further held guilty of a misdemeanor, and be liable to be punished by fine in any sum not being less than double nor more than four-fold the amount misapplied, or by imprisonment for any term not being less than three calendar months, nor more than two years, or by both, and any officer of the city or member of the council, authorizing any such application, or assenting thereto, shall in like manner and to the like extent, be civilly and criminally responsible, but such deposit shall be a discharge to the city for the coupons in respect of which the deposit shall be so made.

Penalty for mis-application.

REVISION OF ASSESSMENT ROLLS.

20. So soon as the assessors shall have deposited, at the period fixed by the assessment board, the assessment book for any ward in the treasurer's office, the treasurer shall advertise such deposit for three weeks in a French newspaper, and in an English newspaper, published in the said city; during the three weeks from the date of the first advertisement of such deposit, all persons considering themselves aggrieved by any entry made in such book, shall present a petition or complaint in writing, to the Recorder's Court of the City of Quebec, which said complaint shall be sworn to, before a Justice of the Peace or a member of the City Council, and shall be filed during the said period in the office of the clerk of the court, who shall give sufficient notice by publication in the said newspapers of the days and hours when the court will hear the parties complaining and determine the merits of such complaints; and any person aggrieved by any decision of the court with respect to such complaint may appeal therefrom by summary petition, to the Court of Revision sitting in the City of Quebec, within the eight days following the said judgment, and proceeding shall be had on the said appeal, in the manner prescribed by the laws establishing the said Court of Revision, and the judgment of the said Court of Revision shall be final and conclusive.

Notice of revision.

Complaints of persons aggrieved.

Recorder to decide.

Appeal.

2. All the delays mentioned shall be final, so that any complainant who shall neglect to make his complaint or proof within the time specified, and take out such appeal within the prescribed delay, shall be foreclosed from so doing, and be held responsible for and be compelled to pay the amount for which he may be assessed, according to the said assessment books, together with all sums charged against him for taxes, rates, imposts, duties or other municipal charges;

Delays allowed to be final.

3. In any case where, after the making up of an assessment book, it shall become necessary to correct or amend the errors or omissions which may be found therein; or whenever persons not subject to assessment, or to any rate or tax whatsoever, at the time of the making up of the said assessment book, shall, thereafter, and within any period of the fiscal year,

Corrections of assessment books.

How made. become subject to the payment of such assessment, rate or tax; such correction or amendment or addition shall be made in such assessment book, on application to that effect addressed by any assessor to the said Recorder's Court which, on satisfactory proof of the said demand, shall order that the correction, amendment or addition demanded be made in the said book;

Notice to parties affected. 4. The said judgment shall be signified to the person interested by a bailiff of the said court; and if, within the eight days following the said signification, the person interested shall not have filed in the office of the clerk of the said Court, the objections which he may have to such correction, amendment or addition, he shall be foreclosed from the right of so doing, and bound to pay each and every sum, assessment, rate or tax imposed upon him, by virtue of such correction, amendment or addition; And if the objections are produced, within the said delay, the said Court shall proceed thereon, as provided in the first paragraph of this section.

Hearing objections.

ORDINARY ASSESSMENTS.

Council to make By-laws. 21. The council may, at any meetings thereof composed of not less than two-thirds of the members thereof, make By-laws for the following purposes :

Raising money by assessment. 2. For the raising, assessing and applying such moneys, as may be required for the execution of the powers with which the said council is now, or may be hereafter invested, either by imposing tolls and rates, to be paid in respect of any Public Works within the said city, or by means of a 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 therefore in respect of such property, provided that such assessment may, in any one year, amount to, but shall not exceed (excepting as hereafter provided) the sum of ten cents in the dollar on the assessed yearly value of the property liable to such assessment; such assessment, in the case of real property, to be paid in equal proportions by the tenant and proprietor thereof, unless the real property is occupied by the proprietor himself, in which case such assessment shall be paid wholly by the proprietor;

Rate limited.

Proportion to be paid by proprietor and tenant respectively.

For drainage. 3. By imposing a further assessment or rate for drainage on all real property in the said city, to an amount which shall not exceed two cents and a half in the dollar on the assessed yearly value of such real property; and

Duties on persons exercising certain callings, 4. By imposing a duty or duties on the keepers of houses of public entertainment, and the retailers of spirituous liquors, and on merchants and dealers and the agents of all such resorting to, or visiting the city, to take or receive orders therein, or to sell therein, or buy according to sample, contract or agreement, or

or in any other manner or way whatsoever, and on all hawkers, pedlers and petty chapmen within the city; and on all proprietors, owners, agents, managers or keepers of theatres, circuses or public entertainments, exhibitions or shows of any kind; or of horses and carriages of any kind, kept for pleasure, for use, for working or for letting or hiring out, or of billiard tables, ball alleys or games, amusements or means of gambling of any kind, or of dogs within the said city; and on all wholesale or retail dealers in goods, wares or merchandize of any kind, within the said city, and the premises occupied by any and all such; on bankers, banks and all agents of bankers, or banks and the premises occupied by all such, and on all banking institutions, and all premises occupied as banks, bank agencies or for banking purposes of any kind whatsoever, in the said city, except that particular class of savings banks in the said city which are or may be established for the benefit and advantage of the industrial and labouring classes of the people, and not for the profit of the stockholders, which said class of savings banks are hereby exempted from any special rate or assessment other than the ordinary rate and assessment levied on all real property in the said city; on all forwarding merchants or forwarders and the agents of all such, and all premises occupied by them; on all brokers and money changers and the agents of all such, and the premises occupied by all such brokers, money changers or their agents in the said city; on all insurance companies, and all agents of, or for any insurance company or companies in the said city, and all premises occupied by such insurance companies, or by any agent or agents of or for any such in the said city; on all agents of merchants residing in any other city or place in this said Province, or elsewhere; on all telegraph companies and the agents of all such in the said city, and on the proprietors of telegraph-wires or means of communication in the said city, or passing through any part thereof; on all gas companies, and the premises used and occupied by all such within the said city; on all keepers of eating houses, coffee houses and ordinaries; on all auctioneers, grocers, bakers, butchers, hucksters, pawnbrokers, livery stable keepers and carters; on all traders and manufacturers, and the agents of all such; on all brewers, distillers, soap and candle manufacturers; on all camphine or other oil manufacturers; on all ginger beer, spruce beer and root beer brewers, and the agents and agencies of any and all such; on all brick manufacturers, dealers in wood and proprietors or keepers of wood yards; on all proprietors and keepers of tanneries and slaughter houses in the city; on all inspectors of pot and pearl ashes, of beef, pork, flour, butter, or any other produce, articles or effects whatsoever in the said city; and generally on all trades, manufactories, occupations, business, arts, professions or means of profit, livelihood or gain, whether hereinbefore enumerated or not, which now are or may hereafter be carried on, exercised or in operation in the city; on all persons by whom the same

Certain callings
enumerated.

On all profes-
sions, trades
and callings
generally.

And the premises where they are carried on.

Ferryman.

are or may be carried on, exercised or put in operation therein, either on their own account or as agents for others; and on the premises wherein or whereon the same are or may be so carried on, exercised or put in operation; and on all persons acting as ferrymen to the said city or plying for hire for the conveyance of persons by water to the said city from any place not more than twelve miles distant from the same;

Assessment on partners.

5. In the case of rate or rates imposed on the partner of a firm or company of merchants as aforesaid, such rates may be claimed and recovered in the manner prescribed for the recovery of assessments, taxes or rates imposed by the said council, either against such partner or against the firm or company of which he is partner;

Agents carrying on business.

6. In all cases where the said council is authorized by law to impose a rate or rates on the agency or agent of any person, firm or company whatsoever, incorporated or not, carrying on or exercising any trade or business whatsoever, or any banking business or commercial business, in the said city, such rate or rates may be claimed and recovered in the manner above set forth against the agency or agent of such person, firm or company in the said city;

Rate payable yearly.

7. Every rate imposed by virtue of the foregoing provisions shall be payable annually, and at the period fixed by such by-law;

Mode of assessing such rates.

8. Every special tax imposed in virtue of the foregoing provisions may, in the discretion of the said council, be a fixed annual rate on all or any of the several classes of persons subject to such tax, and on the premises by them occupied for the purpose of their trade, business or manufacture, or a proportional tax to be determined by the said council according to the assessed annual value of the real estate or any part thereof, occupied as aforesaid or according to the annual value of lease of such real estate or any part thereof, occupied as aforesaid, by the persons liable to such tax, or by both modes at once, that is to say, a fixed tax on the persons liable to such tax, and a proportional tax on the real estate occupied as aforesaid; or only a fixed tax on such person, according as the said council may in each case consider it to be most advantageous to the said city;

Words "agent" and "agency" interpreted.

9. And the words "agent" or "agency," in the foregoing subsections, signify any and every agent or any and every agency of one and the same company or partnership having several distinct and separate agents or agencies in the said city, and the special rate imposed on the different trades, businesses or occupations hereinabove specified, shall be payable for such and every establishment of such trade, business or occupation in the said city, when it shall be carried on by the same person, firm

firm or persons or company in a distinct and separate house or place of business.

10. The capitation tax, payable by all persons of the male sex, above the age of twenty-one years, and under the age of sixty years, and not subject to any other tax or rate whatsoever, shall in future be two dollars per annum; but domestics and servants of the male sex shall only pay one dollar per annum. Capitation tax.

EXEMPTIONS FROM CAPITATION TAX.

22. The following persons shall be exempt from the said capitation: All persons above the age of sixty years; the officers and soldiers of Her Majesty or of the Militia in active service, or any person domiciled in the said city during less than six months; apprentices *bonâ fide*; and any person who shall serve in any fire company established by the corporation or under its control, so long as he shall belong to such company. Persons exempt from capitation.

SPECIAL ASSESSMENTS AND THEIR ENFORCEMENT.

23. For the payment of the interest due and to become due on its Bonded Debt as mentioned in the Schedule L of this Act, there shall be levied and raised by the Corporation from time to time, yearly or half-yearly, or oftener if they think fit, upon the whole then assessable property of the said city, a special rate or rates of so many cents on the dollar as shall be required, until the said interest shall be fully paid and discharged; Special rates for interest on bonded debt. Provided always, that if the rate or rates to be levied from time to time shall yield more than the rate of interest from time to time payable, the surplus shall be carried to a special account to be called the "Interest Account," and be applied to the payment of the next half-year's interest, and all the provisions of section nineteen shall be applicable to such surplus: Proviso.

2. To provide for the due and punctual payment of the interest of the bonds which may have been issued by the corporation, in the said Schedule L mentioned— Provisions for punctual payment of interest

It shall be incumbent on the corporation and their Treasurer for the time being, to have at least fourteen days before the day of payment, at the credit of the account mentioned in the preceding subsection, a sum sufficient to pay the half-yearly interest next becoming payable in the Province after the said respective dates; and they shall also, at least fourteen days before the coupons payable in Great Britain become due, have a sum sufficient to pay the said coupons at the bank or place at which the same are payable, and the corporation shall arrange with the bank to give notice by advertisement of the half-yearly days on which the interest payable in Great Britain will be paid; Corporation to have a sum sufficient ready beforehand.

Provisions for enforcing payment of interest.

3. And whereas it is desirable that proper facilities should be given to the creditors under all circumstances, to enforce payment of the interest of their debts against the said City of Quebec: therefore the holder of any bond, debenture or coupon of the said city, whether issued for the construction or completion of the water works, or any other purpose, mentioned in the Schedule L of this Act may, in default of payment of the interest thereon, adopt any or all of the following modes of remedy, to wit: Such creditor may either proceed to judgment and execution in the ordinary manner, or he may apply by a summary petition after one clear day's notice to the Superior Court, or to any judge in vacation, setting forth that he is a creditor, and in what amount, and praying that a special rate be levied for the payment of his claim, and thereupon it shall be the duty of the Court or Judge, unless special cause on oath that the debt is not due, be assigned to the satisfaction of the Court or Judge, forthwith to grant an order directing the Sheriff of the District of Quebec to collect the "special interest rate" hereinbefore mentioned and directing him, if need be, to impose and levy another and further rate upon the real estate situated in the said City of Quebec, sufficient to cover such demand, with ten per centum over and above the same; and it shall not be requisite that any bonds in respect of which such order is required, or on which any action at law or other proceeding for the recovery of interest is brought shall be produced by the holder, provided the coupon thereof be produced, and the production of such coupons shall be *prima facie* evidence that the holder thereof is the owner of the bond to which it was attached and entitled to recover thereon, and a *bona fide* payment to the holder of such coupon shall discharge the said Corporation from all liability thereon;

Creditor may apply to have a special rate levied by the Sheriff.

Evidence on which application may be granted.

As to bonds dated before this Act.

4. All bonds purporting to be dated and to have been issued prior to the passing of this Act, and all coupons purporting to have been attached thereto shall, without any other special proof to that effect, be presumed to be part of and to be included among the bond referred to in Schedule L;

Proofs.

5. And until proof to the contrary is given, the production of any such Bond or coupon shall be *prima facie* evidence that the same is included in and forms part of those enumerated in Schedule L, saving to the corporation and to all other parties the right to contest the fact;

Sheriff's duty on order to levy special rate.

6. It shall be the duty of the sheriff when he shall receive a writ of execution against the said city (with an endorsement thereon by the plaintiff or his Attorney requiring him to impose a rate under this Act) or upon delivery to such sheriff of an order of the court or judge under the subsection three of this section,—and such sheriff is hereby empowered—to take communication or possession of all such books, papers or documents of the corporation as may be necessary, and the officers of

of the corporation shall be bound to afford him free access to; and, if he shall require it, possession of all such books, documents and papers, and the said sheriff shall forthwith prepare an assessment roll in such form as he may see fit, shewing the rates and assessments necessary to make up the amount required to be levied, with ten per centum over and above the same, to meet expenses and interest, and such rates and assessments shall be payable by the persons and shall be chargeable upon the property in respect of which they are imposed, and no such assessment roll shall be invalid for any informality or inequality of rate therein, or for any other matter whatever, provided that any party aggrieved shall have the right to recover from the corporation any rate or excess of rate over and above what by a just and fair apportionment he ought to have been assessed at;

7. Any officer or member of the Council, interfering with or refusing to afford to any sheriff, receiver, assessors or collectors, or other person charged with the execution of any duty under this Act, any books, papers, or information necessary to enable them to perform the duties cast upon them by this Act, shall be guilty of a misdemeanor, and be liable to be punished by imprisonment, for any term not being less than three calendar months, nor more than two years;

Penalty for obstructing Sheriff.

8. In case for any reason the sheriff shall not be able to obtain within one day after demand of the same communication or possession of the necessary books, documents or papers, to enable him to make such assessment roll and to impose such rate, he shall forthwith impose from such data as may be within his power and by appointment or otherwise, a rate, and levy the required amount upon the real property situated in the said city;

If Sheriff cannot obtain the proper books, &c.

9. If from any cause the sheriff shall be unable within two months from the imposing of such rate, to levy the whole of the same, or such sum as may be necessary to satisfy the claim, or if the same prove insufficient, the sheriff shall in like manner and from time to time, as often as may be necessary, proceed to strike a new rate and make a new levy, until the claim of such creditor be paid in full out of the proceeds of the same;

New rates until creditor is paid in full.

10. Upon the completion of the Assessment Roll under either of the preceding subsections, the sheriff shall give public notice (according to form G in the Schedule hereunto annexed) in at least one newspaper published in the English language, and one newspaper published in the French language, that the said Assessment Roll is completed and deposited in his office, and that all persons whose names appear therein as liable for the payment of any assessment, tax or rate are required to pay the amount thereof to him, at his office, within ten days from the

Notice by Sheriff.

the date of the last insertion of the said notice in the said newspapers, provided that the said notice shall have at least four insertions in each of the said newspapers ;

If the rate be not paid by any party.

11. If at the expiration of the said ten days any assessment, tax or rate remain unpaid, the said Sheriff shall leave or cause to be left, at the usual place of residence, domicile, office or place of business of the person owing such assessment, tax or rate, and shall at the same time, in and by a notice annexed to such statement (according to form H, in the Schedule hereunto annexed), demand payment of the assessment, taxes or rate therein mentioned, together with the costs of the service of such notice ;

As to persons residing out of the city.

12. The provisions of the next preceding subsection shall not apply to persons residing beyond the limits of the said city but such persons shall be bound to pay their assessments, taxes or rates within ten days after the public notice mentioned in the tenth subsection of this section, without it being necessary that any demand should be made upon them either personally or at their domicile, office or place of business ;

Levy on persons failing to pay.

13. If any person neglects to pay the amount of assessments, taxes or duties imposed upon him, for the space of fifteen days, after such demand made as aforesaid, the Sheriff shall levy the same, with costs, without any warrant being necessary, by the seizure and sale of the goods and chattels in his possession, subject to the present exemptions by law, wherever the same can be found within his district ; and no claim of property or privilege thereon or thereto shall be available to prevent the sale thereof for the payment of the assessments, taxes or rates and costs, out of the proceeds thereof ; provided always that any party having any hypothec, lien or privilege upon property real or personal, out of the proceeds of which the said corporation shall be paid any assessment, and which shall have accrued in respect of other property, such party shall be subrogated to and shall have the right to exercise the rights and privileges possessed by the said corporation at the time of such payment in respect of such other property as to such assessment ; but the Recorder's Court shall have power to amend or revise such assessment, tax or duty in each individual case, provided it shall be required in writing so to do within ten days after such demand has been made by the sheriff, and not otherwise ;

Proviso.

Notice before selling goods.

14. Before proceeding to the sale of the goods and chattels of any person indebted as aforesaid, the Sheriff shall give public notice (Form I) of the day and place of sale, and of the name of the person whose goods and chattels are to be sold, which said notice shall be affixed or posted in a conspicuous place in his office at least forty-eight hours previous to such sale.

15. If the goods and chattels seized are sold for more than the whole amount of assessments, taxes or rates levied for and the costs attending the seizure and sale, the surplus shall be returned to the debtor, or to the person in whose possession such goods and chattels were when the seizure was made, and no deduction tax or duty whatever shall be retained by the Sheriff out of the amount payable to the creditor for his debt, interest and costs; which shall be forthwith paid over by the Sheriff to the creditor, and as to any surplus, the Sheriff shall retain the same for eight days after the sale, during which time oppositions may be filed, and if oppositions be filed, the same shall be disposed of in the usual manner; if any balance remain in the Sheriff's hands at the end of one year from the disposal of the oppositions or the date of the sale, he shall turn it over to the treasurer of the city for the general purposes of the corporation;

Application of proceeds of sale.

Balance in Sheriff's hands.

16. It shall be competent for any person or persons who may be creditors to the extent of twenty-five thousand dollars or upwards, in respect of interest overdue, in addition to any other remedy which under this or by any other Act or law he might exercise to apply by summary petition, after ten days' notice, to the Superior Court, or to any judge in vacation in the like form and conditions provided by the third subsection of the present section of this Act, for the appointment of a receiver, and such receiver shall have full power and authority as such in his own name to sue for, collect and receive from the Sheriff or from the corporation, or any officer thereof, and from all persons liable to pay any rates or taxes, all moneys due by them or in their hands, to an amount sufficient to pay the sum due, or to become due to the persons seeking his appointment; and it shall be competent for the court or judge, from time to time, to confer on such receiver, such other and further powers as may be needful for the fulfilment of his duties, and to enable him to receive, recover and regularly pay over the moneys due to the parties on whose behalf he is named, and also to fix what remuneration shall be paid to him out of the funds of the city;

Creditors for \$25,000 or upwards of interest may have a receiver appointed.

Powers of Receiver.

17. Such receiver shall give security to the satisfaction of the judge or court, to whose orders he shall be in all respects subject; and after his appointment and notice thereof given in at least one newspaper published in French and one in English, no payment of any rate, assessment or sum of money, shall be valid, unless made to such receiver, or to the Sheriff in his behalf; and payment to such receiver or sheriff, shall *pro tanto* discharge the liability of the corporation;

To give security.

Payments to him or to Sheriff.

18. The appointment of a receiver may take place before any of the proceedings contemplated by the third and following subsections of the present section of this Act, are taken by any creditor or pending or subsequent to such proceedings, and the

Receiver may require Sheriff to levy special rates.

the sheriff shall be bound to recognize such receiver as the representative of the creditor on whose behalf he is named ; and on the request of receiver to enforce and put in execution any or all the powers for assessing, or for the collection of rates or otherwise conferred on the sheriff by virtue of this Act, in the interest for the benefit of creditors ;

When receiver shall be discharged.

19. After the debts due to the creditor at whose instance a receiver may have been named shall have been paid in full, such receiver shall be discharged, and shall be accountable as an officer of the court by which or by a judge of which he was named ;

Provisions to apply to persons advancing money to pay interest.

20. The provisions of this section respecting special assessments, and the remedies which may be taken, shall apply and may be enforced by any person who may have advanced, or may hereafter advance, money to meet the interest heretofore due, or hereafter to become due, by the corporation on any of the bonds mentioned in schedule L.

COLLECTION OF ASSESSMENTS.

Certain provisions to apply to collection of ordinary rates.

21. The provisions contained in the next preceding section of this Act, as respects the collection of special rates and assessments, shall apply to the collection by the corporation of its ordinary rates and assessments annually imposed, except that all the powers thereby given to, and duties imposed on, the Sheriff, shall and may be exercised and performed by the City Treasurer, or by any officer or bailiff of the Recorder's Court authorized by him : and the said City Treasurer as respects all rates and assessments to be imposed, otherwise than by the Sheriff, is hereby authorized to give the notices, (Form G,) make the demands, (Form H,) and in default of payment to seize and sell, by warrant to be issued by the Recorder's Court, according to Form J annexed to this Act, in manner and form as provided for in the said section ; and in the event of any opposition being filed, the proceedings shall be remitted to the Recorder's Court, which will have full power to act and adjudicate therein, subject to an appeal when an appeal is now granted by law :

As to rates on proprietors *par indivis*, &c.

2. Whenever any contribution, assessment, tax or rate shall have been imposed upon any immovable or movable property, belonging to several coheirs, or possessed *par indivis* by several persons whose names cannot be easily ascertained by the assessors, it shall suffice for the said assessors to inscribe in the assessment books the name of one of the coheirs or copossessors ; and the coheir or copossessor whose name has thus been inscribed in the said books, shall be held liable for the full payment of the assessment, tax or rate thus imposed, reserving his remedy as by law against his coheirs or copossessors ;

3. No person assessed shall pay less than one dollar as an annual tax, so that if the amount of his assessment shall be less than this sum, the said corporation shall have the right to exact the said sum of one dollar from every person so assessed ;

No person to pay less than \$1.

4. Any assessment, rate, tax or duty to which any immovable property shall be subject in the said city, and which shall be payable by the proprietor, may be enforced and recovered, either from the proprietor thereof or from any tenant or occupant of the said real property, or any part thereof, whether such assessment, contribution, tax or rate shall have become due and payable before occupation by the said tenant or occupant, or whether they shall have become due and payable during the continuation of the lease or occupation ;

From whom rates may be collected.

5. But the tenant or occupant shall only be held liable for the amount of the sum by him due for the rent or occupation of the said premises, reckoning from the day of the signification of the action to this effect ; and only during the continuation of his lease or occupation, and at the ordinary dates of payment of the rent, fixed by the lease or agreement between him and the proprietor ;

Liability of tenant.

6. Each payment of any sum whatsoever thus made by the tenant or occupant shall discharge him in an equal amount towards the proprietor, unless by the lease or other agreement the tenant or occupant shall have bound himself to pay such contribution, assessment, tax or rate ;

Tenant's recourse.

7. But no judgment obtained or execution issued against any one proprietor, tenant or occupant shall exclude or prevent any suit, judgment or execution against the other, for the payment of such rate, tax, assessment or contribution, if such payment cannot be obtained from the party who has been prosecuted, or against whom legal proceedings have been taken in the first instance ;

Recourse against other parties saved.

8. In case the Corporation is unable to recover from the tenant or occupant of real property in the said city, the proportion of taxes imposed upon such real property which is payable by him, the proprietor of the real estate shall be liable therefor, and the Corporation may exact and recover the whole amount of the assessments, rates and taxes from such proprietor ; but in such case proceedings must be taken by the corporation for such recovery before the thirtieth day of April, in the year for which such taxes are due ;

Liability of proprietor.

9. As respects all taxes hereafter to be imposed, in case the goods and chattels of any person liable to pay any rate or tax shall not suffice to pay the same, the lands and tenements of such debtor may be sold for the payment of such rate or tax, whatever amount the same may be, in the same manner as is

If the goods and chattels are insufficient, real estate may be sold.

now.

Certain provisions of law to apply.

now prescribed in the Lower Canada Consolidated Municipal Act with respect to the sale of lands for non-payment of taxes; the provisions contained in the twenty-first, twenty-second and twenty-third subsections of the fifty-ninth section, and the first, second and third subsections of section sixty-one of chapter twenty-four of the Consolidated Statutes for Lower Canada shall apply to the sale of real estate for taxes due to the said corporation, in so far as the same are applicable; and all the other provisions contained in subsections three to fourteen, inclusive, of the sixty-first section, with reference to the re-sale, the redemption, the nature of the hypothèque, the effect of the sale, and the deed and form thereof, shall, as amended by subsequent Acts, apply to the sale of land for the taxes in City of Quebec, in the same way and as fully and effectually as if the whole of the provisions above referred to of the said last mentioned Act were inserted in and made part of this Act;

Rates to be privileged debts.

10. All taxes, assessments, whether general or special rates, water rates or duties, due to the said corporation 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 the sale of property, whether real or personal, of any person so indebted to the said corporation, be so held and adjudged by all courts of justice, and by all commissioners and other persons having jurisdiction in insolvency in Lower Canada; this privilege shall not require to be registered, and shall extend over the current and the preceding year;

Registration not requisite.

Prescription for rates.

11. The right of action of the said corporation for the recovery of past and future assessments, taxes, or other municipal duties due, whatsoever, shall be barred by a prescription of two years, to be computed from the day on which such assessment, tax, water rate or due became payable, and the said prescription is an absolute bar;

Provisions to apply to water rates.

12. The foregoing provisions respecting the collection of assessments shall apply to the collection of water-rates imposed by the corporation under the thirty-sixth section of this Act, as fully and effectually as to the other rates and assessments imposed by this Act.

EXEMPTIONS FROM TAXATION.

Educational and charitable institutions exempt.

25. The property of any incorporated institution for education, or charitable purposes, occupied and used for educational or charitable purposes, and also all other property by such institution leased for the aforesaid purposes, or occupied as schoolhouses by the School Commissioners of the said city, shall be exempt from taxation, and such houses or properties so occupied are also exempt from tenants' tax.

POWERS OF THE COUNCIL GENERALLY.

AUDITORS—THEIR APPOINTMENT AND DUTIES.

- 26.** In the month of February, in each year, the council shall appoint two auditors, chosen from among the persons having the qualifications prescribed by this Act, to fill such office : Appointment.
2. No person shall be capable of being elected auditor unless he shall have been a resident householder within the City of Quebec for one year next before his election ; Qualification.
3. No member or officer, or *employé* of the city council shall be appointed auditor ; Disqualification.
4. Any vacancy occurring in the office of the auditor shall be filled up by the council ; Vacancies.
5. Any person who shall refuse to accept the office of auditor shall be liable to a penalty of two hundred dollars ; Refusal to Act.
6. Every auditor, before acting as such, shall take, before the mayor, the oath of allegiance and of qualification mentioned in Schedule E appended to this Act and of which it forms part ; Oath of office.
7. Immediately after the first day of August, the first day of November, the first day of February and the first day of May, in each year, the auditors and also the members of the council appointed for that purpose by the mayor, shall examine the treasurer's accounts of the city for the preceding quarter, with all vouchers and papers connected therewith, and certify them correct, if they shall be so, and return them to the said city treasurer ; Audit of Treasurer's accounts.
8. In their report to the council in May, in each year, the auditors shall declare upon oath whether the city treasurer has or has not complied with the requirements of the present Act with regard to the sinking fund. Report; as to sinking fund.

OTHER POWERS.

- 27.** The city council shall be invested with all the powers and authorities possessed or vested in the Court of Quarter Sessions, or Justices of the Peace for the District of Quebec, or any of them, before the incorporation of the said City of Quebec, within the limits of the said city, touching or concerning the laying out, making, erecting, keeping in repair, and regulating the highways, bridges, streets, squares, lanes, dams, causeways, pavements, drains, ditches, embankments, watercourses, sewers, market-houses and weigh-houses, and other public buildings or erections within the said city, and also for, touching and concerning the dividing of the said city into divisions, City Council invested with certain powers formerly vested in Quarter Sessions, &c.
- and

and the appointment of overseers of highways, streets and bridges, provided that such powers and authorities shall not be inconsistent with the provisions of this Act ; and all real and personal property within the said city, and which were at the time of the passing of the said Act of Incorporation, under the control and authority of the said Justice of the Peace, or any of them, have become and shall be subject to the powers, authority, control and direction of the said council :

Committees.

2. The council may appoint committees, composed of a certain number of its members, for the discharge of the duties within its jurisdiction, but such committees shall be subject in all things to the approval, authority, and control of the said council ;

Books relating to the City.

3. The council shall have the right to demand and cause to be delivered, and receive all books, plans, deeds, documents and papers, relating to the City of Quebec, which were in the custody of the Justices of the Peace, before the incorporation of the said city ;

Licenses to taverns, &c.

4. The council shall grant licenses to keep taverns, hotels or houses of public entertainment, under the restrictions imposed by the general laws of the Province ;

Giving Recorder cognizance of malfeasance of officers.

5. The council may by a resolution cause the Recorder of the City of Quebec to take cognizance of all matters mentioned in such resolution, whether it relates to any alleged malfeasance, violation of deposit, or other improper conduct, of any of its members, officers, employés or contractors, in so far as such acts shall have been committed by the offender in his capacity of member, officer, employé or contractor, or whether it relates to the good government, or the administration of any portion of the public affairs of the said city ; and the Recorder shall thereupon make an investigation, and he shall have, for this purpose, all the powers given by the thirteenth chapter of the Consolidated Statutes of Canada, to commissioners named by virtue of the said chapter, and he shall report to the said council the result of such investigation with all possible diligence.

Powers of Recorder in such case.**CONTRACTS ENTERED INTO BY CORPORATION.****Contracts over \$500 to be notarial and with security on real property.**

28. In the case of any contract exceeding five hundred dollars made by the said corporation, or the committees of the council of the said city, the said contract shall be executed before notaries, and the party contracting with the corporation shall furnish, as securities, two or more persons, one of whom shall be a proprietor of real estate, who shall bind themselves jointly and severally with the contractor, in favor of the said corporation, for the due execution of the said contract ; the surety being the proprietor shall produce a certificate from the Registrar of the county or division of county in which his property

property is situated, that the said property is free from all debts and hypothecs, to at least an amount sufficient to secure the execution of the contract; the said sum shall be stated in the contract, and the real property of the surety described therein, and the said contract shall create a privileged hypothec in favor of the said corporation, and any contract entered into in violation of this provision shall be *ipso facto* null and void.

CITY BY-LAWS.

POWER OF THE COUNCIL FOR THE PASSING OF.

29. The city council may, at any meeting or meetings thereof at which not less than two-thirds of the members thereof are present, make one or more by-laws for the following purposes, that is to say:

Quorum for passing.

1. For the good order, peace, security, comfort, improvement, cleanliness, internal economy and local government of the said city; for the prevention and suppression of all nuisances, and of all acts, matters and things in the said city, opposed, contrary or prejudicial to the order, peace, comfort, morals, health, amelioration, cleanliness, internal economy or local government of the said city;

Peace, good order, &c.

WATERING STREETS, &C.

2. For imposing an additional tax of five cents in the pound on the annual value or rent of real property, upon the proprietors and tenants of those parts of the city, in which at least two thirds of such proprietors and tenants shall ask for the imposition of such tax to defray the expense of watering, sweeping or taking away the snow from such place or street;

Tax for watering.

DAMAGES BY MOBS.

3. For imposing a special tax upon proprietors of real property in the said city, in order to pay the damages which any mob, or tumultuous assemblages of persons disturbing the peace of the city, shall have caused to any private property; and if such By-law shall not be passed within six months following the day on which such damages or injury shall have been so occasioned, the person so injured shall have a right of action against the said corporation;

Tax to pay damages.

Responsibility if no by-law.

MARKETS.

4. For changing the sites of markets and market-places, and to establish others, and any person injured by such act of the the council shall have a legal recourse against the corporation;

Changing sites or establishing new.

Clerks of
markets, &c.

5. For regulating the powers of the clerks of the markets, and every thing relating to the markets ; the St. Paul's market, established by the ninth George the Fourth, chapter-fifty-three, and the landing place of the St. Paul's market belong to the said corporation who represent the Trustees and Justices of the Peace ;

Prevention of
forestalling.

6. For preventing the purchase and sale, by any person whomsoever, of any produce or provisions, meat, fowls or other article whatsoever, intended for the public markets of the said city, in or upon any street or public place, or any yard, house or rickling, or any other place whatsoever in the said city, in which farmers or other persons coming to the said markets, deposit or store their produce, provisions, meats, fowls or other articles or effects whatsoever, before bringing them to the said markets ; or on the wharves or on the steamboats or other craft whatsoever, lying beside the wharves of the said city, and in which the produce, provisions, meat or other articles or effects whatsoever are brought in order to be sold on the markets of the said city.

HEALTH OF THE CITY.

Boards of
Health.

7. For establishing Boards of Health ;

Their powers
and duties ; 12
V. c. 116.

(So soon as the corporation shall have established Board of Health, such Boards may take cognizance of the causes of disease, and shall have all the powers and privileges conferred upon them by the twelfth Victoria, chapter one hundred and sixteen ;)

Contagious
diseases.

8. To limit the number of persons in each house, in time of cholera, typhus fever, or other contagious diseases ; and also with respect to wearing apparel, and other articles susceptible of communicating any such infectious disease ;

Tariff of fees.

9. To make a tariff of fees to be paid to persons employed by the Board of Health established by the corporation ;

Disinterments.

10. To regulate disinterments which shall be effected under the directions and control of the person or persons appointed, with the concurrence of the council, by the police committee of the corporation ;

Burials and
burial
grounds.

11. To prevent the establishment of new burial grounds within the city limits ; preventing burials in the said city, and closing cemeteries therein, on payment of a reasonable indemnity to the parties interested.

REGULATION OF WEIGHTS AND MEASURES, &c.

Fire wood, &c.

12. For regulating the weighing or measuring of firewood, coal, salt, grain and lime ;

13. To regulate the weight and quality of bread, with the Bread right of declaring forfeited, and forfeiting, all bread of light weight or of bad quality.

PREVENTION OF ACCIDENTS BY FIRE.

14. The council may make by-laws for preventing accidents by fire; Fires.

15. For governing and controlling all persons present at fires; and establishing fire companies for the protection of property; Fires companies.

16. To name and appoint all officers or persons necessary for the execution of the by-laws; Officers.

17. To defray the expenses which may be deemed right to incur for the purchase of engines, or apparatus of any kind, for the purpose of preventing fires; Engines, &c.

18. To cause to be demolished and removed all buildings and fences which shall be deemed necessary to be demolished, or taken down, in order to arrest the progress of any fire; Demolishing buildings, &c.

19. To prevent thefts and depreddations at fires; Depredations.

20. To punish any person who shall maltreat any member, or officers, or employé of the said council, in the execution of his duty, or who shall resist, interfere with, or prevent him from executing the same; Punishing offenders.

21. To defray the expenses incurred by the said Council in assisting any person in their employ, who shall receive any wound or contract any disease at any fire, or in assisting the family of any person in their employ who shall perish at any fire, or in consequence of any wounds or injuries received thereat, and for rewarding any person who shall have performed any meritorious action at any fire; Assisting persons injured in their employ.

22. For establishing a judicial enquiry into the cause and origin of fires, for which purpose the council shall have the power to compel the attendance of parties and witnesses before them, under pain of fine or imprisonment, or both, to examine them on oath to be taken and sworn before the Mayor, and to commit for trial, on the Mayor's warrant, any party or parties against whom any well grounded cause of suspicion may be found; of their having wilfully or maliciously originated such fire or fires; Enquiring into origin of fires.

23. The said council may also prescribe or regulate the manner in which houses or buildings shall be erected, in order to prevent accidents by fire, and may regulate the construction, dimensions

dimensions and height of chimneys, and specially in the cases of houses or buildings erected above other houses or buildings which they may adjoin, by whom, at whose expense, in what manner, to what height, and within what time, the chimneys of the less elevated houses and buildings shall be raised so as not to endanger the adjoining or neighboring houses ;

Storage of
Petroleum, &c.

24. To regulate or prevent, within the limits of the city, the storage of Petroleum, coal-oil, and explosive or inflammable substances of the like nature ;

Chimneys-
sweeping.

25. To compel the citizens to have their chimneys swept by licensed chimney-sweepers, in certain ways and at certain times ;

Taxo on
Chimneys.

26. To impose a tax upon chimneys, to provide funds for the chimney and fire departments ;

Fire works.

27. To prohibit the sale of fire crackers, fusees, Roman candles, serpents, and all other fire-works, of what kind or sort soever ; and also, any projectile or missile made of powder ;

Licensing
chimney
sweeps.

28. The council may grant licenses to chimney sweeps, and fix the tariff of fees therefor ; as soon as the council shall grant licences for this purpose, no person shall sweep chimneys without a license ; and any person who shall in such case sweep chimneys without a license, or exact a higher rate than that fixed by the said tariff, shall be liable to a fine of five dollars ;

Fine for not
having chim-
neys swept.

29. The occupant of any house of which the chimney shall take fire shall be liable to a fine not exceeding five dollars, unless it be proved that such occupant complied with the regulations respecting the sweeping of chimneys.

ROADS, STREETS, VACANT LOTS, WHARVES.

Good order of
streets, &c.

30. The Council may also make by-laws respecting the cleanliness, security, tranquillity, good order and management of any street, square, promenade or public garden or wharf in the said city, and the accommodation and security of persons passing, or of other persons in or upon such street, square, promenade or public garden or wharf ;

Fencing and
draining pro-
perty, &c.

31. For obliging and compelling proprietors and occupants of real property, to enclose the same, and to keep the same clean and free from filth and dirt, and to make the necessary drains, sewers and privies on such property ;

Defining height
of fences, and
materials.

32. And for fixing the height of the said fence and the materials of which it shall be constructed, to compel the proprietor or his agent to level the soil thereof, within a delay to be fixed

by

by such By-law ; if within the said delay the said persons or any of them neglect to conform to the provisions of the said By-law, or if such property is vacant and its proprietor is unknown or absent from the District of Quebec, the said council may order the officer charged to see to the execution of the said By-law to cause the said land to be fenced, cleansed or drained at the costs of the proprietor, and the said costs shall be a privileged claim and may be recovered from the said proprietor, agent, tenant, or occupant, by action of debt before the Recorder's Court, saving the recourse of such agent, tenant or occupant against the proprietor ;

Penalty for non-compliance.

33. For directing and requiring the removal of the snow from the streets, lanes, public squares, and roofs of houses and other buildings, and also of any filth, dirt, or other nuisance, offensive to, or prejudicial to public health, or of any door-steps, porches, railings or other projections into, or obstructions in any public street, lane, or public square, by and at the expense of the proprietors or occupants of the real property in or on which such projection or obstruction, filth, dirt, or nuisance shall be found, which said expense shall be sued for and recovered by action of debt in the Recorder's Court ;

Removing snow, dirt, &c.

34. For lighting the said city or any part thereof ;

Lighting.

35. For altering the level of the footpaths or sidewalks ; and persons injured by such alteration to have legal remedy against the corporation ;

Levels of sidewalks.

36. To pull down, demolish and remove, at the expense of the proprietor, or occupant thereof, any buildings, walls, fences, or other buildings and erections encroaching on streets or public places, and any old, dilapidated or ruined walls, chimneys or buildings ; which said expense shall be sued for and recovered in the manner set forth in the thirty-third paragraph of the present section ;

Removing encroachments.

37. The said corporation shall regulate all that relates to roads, bridges, canals, sewers, water-courses, drains, beaches, and public places within the limits of the said city ;

Roads, bridges, canals, &c.

38. Proprietors or occupants of houses or buildings or other real property, in or under which any drain, canal or water-course may pass, shall be bound to keep the same in good order, under the penalty of twenty dollars at most, and not less than four dollars ; If after eight days' notice given to them by the City Surveyor, in writing, or by such notice being left at their domicile or place of business, and given to any reasonable person of their family, or in their employ, they shall not do that which they are hereby bound to do, such surveyor may cause the same to be done at their cost and charges, and which may be recovered from them by the Corporation, by an action for

Proprietors or occupants to keep drains, &c., in order.

Penalty for default.

debt before the Recorder's Court, of the said city, together with the costs of such action ;

LICENSES, DUTIES, &C.

Tax on vehicles in which articles are sold.

39. The Council may also make by laws for imposing duties or taxes upon vehicles in which any provisions, meat, merchandize, or any thing shall be sold, exposed or offered for sale in the said city, or on any person selling, exposing or offering for sale such provisions, meat, merchandize or other effects in the said city, in baskets, boxes or any other manner ;

Licenses for certain callings.

40. To compel all butchers, bakers, hucksters, pedlers, carters, bateaumen, canoemen and porters, residing in and carrying on their trade or business in the said city, to take out licenses and numbers, which said licenses and numbers, the said corporation is empowered to issue, and charge reasonable fees therefor ;

The same if resident outside the city.

41. To compel all butchers, bakers, hucksters, pedlers, carters, bateaumen, canoemen and porters, residing without the city limits, but carrying on their trade or business within the limits of the said city, to take out licenses and numbers, which said licenses and numbers the said corporation is empowered to issue, and charge reasonable fees therefor ;

Where only meat may be sold.

42. No person shall be permitted to sell, offer or expose for sale any meat whatsoever, except in the stalls of the market of the said city, or of any other building appropriated for that purpose by the said corporation on pain of a fine not exceeding one hundred dollars for each offence ; but the city council may, if they deem it advantageous for the said city, by a by-law to be passed for that purpose, empower any person to sell, offer or expose for sale any meat in any place beyond the limits of the said market or market stalls of the said city, upon such person obtaining a license for that purpose from the clerk of the said city, for which he shall first pay to the city treasurer such sum not exceeding one hundred and twenty dollars, as may be fixed by such by-law ; the said license shall only be valid for one year, to be computed from the date thereof ; and any infraction of this provision respecting such license shall be punished by fine not exceeding one hundred dollars ;

Except on special license.

Penalty.

Officers may demand to see license, &c. ; fine for refusal.

43. Any officer or police constable may command any person hereinabove mentioned to show him his license, and on his refusal, or if he has no license, then such officer or constable shall bring the said person before the Recorder's Court, if then sitting, to by the said court disposed of according to law ;

Recorder's Court be not sitting.

44. If the said court be not sitting, and that the person thus by him arrested cannot give good and sufficient bail before the clerk of the said court or his deputy, or before the said officer

or constable of police, for his appearance before the said court, at its next sitting, or if such person refuses to pay the amount of the tax or rate by him due, such person shall be detained in one of the police stations of the said city until the next sitting of the said court ;

45. The bail in the next preceding subsection mentioned shall be eighty dollars ; and if the conditions of the admission to bail, or any one of the same, be not fulfilled, the said sum shall belong to the said corporation, and may be sued for against the surety or sureties by an action before the Recorder's Court, and levied in the manner prescribed by law ;

Amount of
bail ; forfei-
ture.

46. If the said person appear, the court on the admission of such person, or on proof of the offence, shall condemn such person to pay a fine not exceeding eighty dollars ; and in default of immediate payment of the said fine, and of the costs, the said person shall be imprisoned and detained in the common gaol of the district of Quebec, for a period not exceeding two months, unless the said fine and costs, together with those of imprisonment, be sooner paid ;

Imposing and
enforcing fine.

47. To oblige all persons selling or offering for sale in the streets, squares or public promenades of the said city, any merchandize, object, article or effect whatsoever, to obtain from the said council a license for that purpose, which license shall be valid during the period fixed, and shall be given by the officer named for that purpose by the said By-law ; And, for the price or cost of such license, there may be imposed a rate not exceeding the sum of twelve dollars ;

Licences to sell
any article in
the streets.

48. To compel every person keeping horses or vehicles for hire in said city, to obtain a license for that purpose from the said council by paying for such license a sum not exceeding forty dollars ;

Or to keep
vehicles, &c.,
for hire.

MASTERS AND SERVANTS.

49. For the ruling and governing of masters, mistresses, apprentices, servants, employeés and journeymen ;

To make rules,
&c.

50. The said council shall, as regards the conduct and regulation of masters, clerks, apprentices, servants, hired persons and laborers in the said city, be invested with all the powers contained in the provisions of chapter twenty-seven of the Consolidated Statutes for Lower Canada, and may impose, by any By-law which it may make on this subject, a fine not exceeding forty dollars, for the contravention of any disposition of such By-law ;

To have
powers under
c. 27 Con. Stat.
L. C.

51. Every prosecution or complaint, in virtue of such By-law, shall be brought before the Recorder's Court of the said city, and

Jurisdiction of
Recorder's
Court.

and shall be heard and decided in conformity with the law which regulates the said Court ;

Powers under
c. 27 aforesaid.

52. The said Recorder's Court, relative to the annulling of any engagement, as aforesaid, shall possess and exercise the powers conferred by the said chapter twenty-seven of the Consolidated Statutes for Lower Canada, in the cases referred to in the said chapter, and also the powers conferred on Justices of the Peace by sections six and eight of the said chapter ;

Fine on ser-
vants, &c., not
performing
their engage-
ments.

53. Any clerk, servant, hired person or laborer who, having been engaged in conformity with the provisions of the said Act or of the By-laws of the said council, refuses or neglects, without just cause, to perform the said engagement, or who, after having entered into such engagement, and before beginning his term of service in conformity with the said engagement, contracts another engagement with another person, shall, on conviction, be liable to a fine not exceeding ten pounds ;

PUBLIC POUNDS.

Impounding
animals found
at large.

54. The council may also make by-laws to authorize all officers or constables of police of the said city, to conduct into any public pound, in the said city, now established or which shall be established by the said council, any horse, cow, pig, sheep, goat or ram, which may be found straying in any street, or public square, garden or public promenade or wharf in the said city, or without any proper person taking care of the same ; and any such animal shall remain in such pound until it has been claimed by the proprietor, who shall pay such fine as shall be determined by the by-laws made for that purpose, as also the cost of keeping and feeding such animal ;

Sale, if not
claimed in
eight days.

Proceeds how
applied.

55. If such animal be not claimed within eight days following the day upon which it shall have been taken as aforesaid, it shall be sold by public auction, after notice given to that effect in the French and English languages ; and the proceeds of the said sale shall be remitted to the treasurer of the said city, who shall remit the same to the proprietor of the said animal after deducting the fine and the costs of keeping and feeding ;

If owner does
not appear.

56. If the proprietor does not present himself within the six months following the said sale, the balance of the proceeds thereof, belonging to the said proprietor, shall be placed by the said treasurer to the credit of the said city, to form part of the funds of the said city ;

NUISANCES, &C.

Cleaning
privies, &c.

57. To compel every proprietor, tenant or occupant of any house or building or immoveable property in the said city, to
clean

clean and empty each and every water-closet or privy in such house or building, or on the ground upon which such house or building is erected, and to close in such privy, and to make and repair such closing and covering each time it shall be deemed necessary by the road inspector of the said city; reserving the remedy of such tenant or occupant who shall have the right of deducting from the price of the rent or occupation, every sum by him justly expended in obeying the order of the said inspector.

58. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer, garden, field, yard, passage, or lot of ground, or any other unwholesome or nauseous house or place whatsoever, to cleanse, remove, or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of the said city; to prohibit any person bringing, depositing or leaving within the city limits any dead body, or any dead carcass, and to require the removal of the same, or any article or thing about or liable to become unwholesome, by the owner or occupant of any premises on which the same may be; and on his default, to authorize the removal or destruction thereof by some city officer, and to recover the expense thereof from the party or parties refusing or neglecting to remove or destroy the same, and recover the amount by action of debt before the said Recorder's Court;

Removal of other nuisances.

59. To prohibit, if deemed necessary by the said council, the erection in the said city of all soap and candle, or oil or oil-cake factories, slaughter houses, dyeing establishments, cement factories and other factories or establishments wherein work, operations or processes is or are carried on, liable or having a tendency to endanger property, or to affect or endanger the public health or safety; but the said council shall have power also to permit such erection, use or employment, subject to such restrictions, taxes and duties, limitation and conditions, as the said council may deem necessary; and the council may require the obtaining of a license for which they may demand a sum not exceeding ten dollars;

Prohibiting slaughter houses, and offensive factories.

CRUELTY TO ANIMALS.

60. The said council may also make by-laws and regulations for punishing persons who shall ill-treat, ill-use, over-drive or over-load any animal, and also;

By-laws for preventing.

PUBLIC ORDER.

61. To suppress or regulate houses of prostitution, houses of ill-fame, disorderly houses or houses reputed as such, in the said city, and to make, in this respect, any By-law necessary for public tranquility, order, decency, and morals; and to impose

Houses of ill-fame.

- Fine.** impose for every infringement of the provisions of such by-law, relating to the said houses, a fine not exceeding one hundred dollars, which shall be recovered by the corporation of the said city, by a complaint brought before the said Recorder's Court against the person being the mistress of or occupying such house, on proof of the offence ; And in default of paying the said fine and the costs of the prosecution, the said person shall be imprisoned and detained, at hard labour, in the common gaol of the district of Quebec, for a period not exceeding four months, unless the said fine with costs and those of imprisonment be sooner paid ;
- Imprisonment in default of payment.**
- Cock-fighting, &c.** 62. To prohibit cock-fights, dog-fights, or fights of other animals, and all cruel amusements in the said city, and all games whatsoever in the streets or public squares, gardens or public promenades, or wharves in the said city ;
- Closing shops on Sunday.** 63. To prevent any person whatsoever, (druggists excepted) from selling or retailing, or causing to be sold or retailed, or exposed for sale on Sundays, any effects, merchandize or things whatsoever ; and to punish every infraction of such By-law by fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding two months, or both, in the discretion of the court which shall hear the complaint ;
- Fine.**
- Closing taverns, &c., at certain times.** 64. To cause every house or building whatsoever, licensed or unlicensed, in the said city, in which spirituous liquors, wines, beer or temperance liquors are sold, to be closed from nine o'clock on every saturday evening, until six o'clock on the morning of the following monday ; and to compel the closing of every such house or building, whether licensed or unlicensed in the said city, in which spirituous liquors, wine, beer or temperance liquors are sold, from ten o'clock at night of each day until five o'clock in the morning, from the twenty-first day of March to the first day of October, and from nine o'clock at night until six o'clock in the morning from the first day of October until the twenty-first day of March in every year, and for punishing any infraction of such By-law by fine not exceeding sixty dollars, or by imprisonment for a term not exceeding two months, or both, at the discretion of the Court hearing the complaint ;
- Racing or furious driving.** 65. To prevent horse racing or furious driving in the streets of the said city, and any race or trotting match or otherwise on any highway or public road within a radius of nine miles beyond the limits of the said city ;
- Gaming.** 66. For suppressing, or regulating and taxing all gaming and gaming-houses ;
- DOGS.**
- Vicious dogs.** 67. To punish, by fine, every person who shall keep or have in his possession a vicious dog, biting or attacking the passers-by
- or

or other persons, or who shall keep any other vicious animal, ferocious or dangerous, to the safety, or obstructing and disturbing the tranquility of the citizens or of others in the city; and to order that the said dog or other animal be shut up or killed, or cause to be killed, or destroyed, at the cost and charge of the proprietor or persons keeping the same.

68. To award damages, not exceeding forty dollars, to any person bitten or wounded by such dog or animal, and the prosecution for the said fine or damages shall be brought before the said Recorder's Court, and heard and judged according to the laws which regulate the said Recorder's Court ;

Damages for injuries by dogs.

If the person thus bitten or wounded be a minor of less than sixteen years of age, in such case the action and damages shall be brought in the name of the father, or mother, or tutor of such minor ;

If person hurt be a child.

69. To compel the owners and persons in charge of dogs to put collars on such dogs, with the name or names of the owner or persons in charge thereof legibly inscribed thereon ;

Collars on dogs.

HORSES, CARTERS, &C.

70. To punish by fine the owner, keeper, or driver of any horse found in any street, lane, wharf, or other public place in the city, without any competent person being in charge thereof ;

Horses left alone.

71. And by such by-law, the master proprietor or possessors of any such horse may be prosecuted personally and condemned for any infringement of the provisions of this by-law, whether the said infringement has resulted from the action of the said master, proprietor or possessor, or from the act of his domestic, servant or other person whosoever in his service, or to whom he may have loaned or leased the said horse ;

Penalty, whether injury arise or not.

72. For the good government and discipline of carters, and for establishing carters' stands in the said city ; and to make, change and alter a tariff of fees to be taken and charged by such carters ; and upon all persons hiring out horses or vehicles in the city ;

Carters and carters' stands.

And by any by-law so made, any person exercising the calling of carter may be held responsible for each and every violation of the said by-law committed by such carter or by his hired men or servants, whether the said violation arises from the act of the said carter, or from the act of any such hired men or servants, and may be prosecuted and punished in conformity with the provisions of such by-law ; But nothing contained in the present clause, or in the one immediately preceding, shall prevent the person by whom such act has been committed from being prosecuted and punished by virtue of the by-laws mentioned in said clauses.

Damages from misconduct of carters.

FERRIES AND FERRYMEN.

73. The Council may also make By-laws,—

Regulating
ferries.

Tolls and
licences.

Appropriation
of licence fees.

To regulate the ferries and ferrymen on the River St. Lawrence between the said City of Quebec and any place within the distance of twelve miles from the said city ; to fix the tolls to be charged and exacted by the said ferrymen ; grant licenses to the said ferrymen and fix the price or sum to be paid for each license and the period at which the same shall be renewed each year—one half of the said sum shall belong to the Corporation of the City of Quebec, and the other half to the respective municipalities to which the said ferries extend ; to impose a penalty for all infringement of such by-law ;

Council may
grant exclusive
right of ferry to
Lévis, after
public auction.

74. But nothing shall prevent the said Council, if found more advantageous to the said city, from passing a by-law to authorize the sale and adjudication by public auction of the exclusive right of ferrying passengers, merchandise, animals and other property whatsoever, between the said city and the town of Lévis during a period not exceeding nine years ; the said by-law fixing and determining the day, the hour and place where the said sale shall take place, the upset price, and the conditions upon which the said sale shall be made ; the adjudication shall be made to the highest and last bidder, and the sum for which the last bid shall have been given shall be the amount which the purchaser shall be bound to pay annually, during the term for which the same shall have been adjudged, at the period to be fixed by the said by-law ; a deed of the said sale and adjudication shall be passed before notaries between the said corporation and the purchaser ; the latter shall be bound to furnish two or more securities, proprietors of immovable property, who will bind themselves jointly with him towards the said corporation for the payment of the said sum, and for the execution of all the clauses, conditions and stipulations set forth in the said deed ; the said securities shall furnish a certificate from the Registrar of the county or division of county in which the immovable properties of the said securities shall be situated, stating that the said properties are clear of all debts or mortgages, or at least to the amount of the said sum ; the designation and description of the said properties shall be set forth in the said deed, and the said properties shall remain hypothecated in favor of the said corporation ;

Deed of Sale
and security on
real property,
by the party
obtaining such
licence.

Adjudication for
want of deed
and security.

75. If, within the four days which shall follow the said adjudication, the purchaser has not furnished the securities required as aforesaid, or should he neglect or refuse within the same delay to sign the said deed, the said sale shall be null and void, and the mayor of the said city shall order, without any other formality, another sale and adjudication, without prejudice to the legal recourse of the said corporation against the preceding purchaser ;

76. The amount arising from such sale as aforesaid shall be divided between the said corporation and the municipality to which the said ferry shall extend ;

Division of proceeds.

77. The said council may, by the by-law authorizing the said sale and adjudication, make such rules and regulations for the convenience and safety of the passengers and the mode of crossing, by fixing the time and number of the crossings to be made each day, and may impose a penalty not to exceed forty dollars for any infraction of the provisions of such by-law ;

Safety of passengers, numbers of crossings, &c.

ICE BRIDGE OVER RIVER-ST. LAWRENCE.

78. To prohibit any person from preventing, in any manner whatever, the ice from stopping and forming a bridge on the River St. Lawrence, from Montmorency River as far as and comprising the place called *Cap Rouge* on the said river, or from breaking, shattering or damaging in any manner whatsoever, all such ice or ice bridge formed or stopped in the said limits, and to punish by a penalty, not exceeding eight hundred dollars, all infringement of any of the provisions of all by-laws passed to that effect ; which said penalty shall belong to the corporation of the said city, and may be sued for in a summary manner before the Recorder's Court of the said city ; and in default of payment of the said penalty and the costs, the defendant shall be imprisoned at hard labor for a time not to exceed three months, unless the fine and costs and those of imprisonment be sooner paid ; and to that end the said court has the power to summon the transgressor, although he may reside without the limits of its jurisdiction, to appear before the said court to answer to the charge brought against him to defend and be judged in conformity with the law which governs the said court ;

Prohibiting any impediment to formation of ice bridge.

Penalty and how enforced.

Power of Court.

WHARVES.

79. To regulate and fix the rental to be recovered by the said corporation, for all wharves, the property of the said corporation :

Fixing rent.

CATTLE STANDS.

80. To authorize the sale by public auction, if the said council finds it more advantageous, and cause to be adjudged to the last and highest bidder, each year, at the period which shall be fixed by the by-laws made to that effect, for one year, the cattle stand and weigh-house, or other sources of revenue of all or any of the markets in the said city, and fix the conditions of such sale and adjudication ; but the purchaser shall be bound to furnish two securities, proprietors of immovable property situate in the said city ; which securities shall present a certificate from the Registrar of the County of Quebec, showing that the said properties are free from all debts or mortgages at least to the amount of the said adjudication ; the said securities

Selling cattle stands in markets by auction.

Purchaser to give security on real property, &c.

Or the sale to
be null.

securities shall bind themselves jointly with the purchaser for the payment of the price of the said adjudication and the execution of all the conditions of the said adjudication ; a deed of the said adjudication shall be passed before a notary and the said securities shall give and cause to be inserted the designation and description of their said properties, and the said deed shall carry a privileged mortgage in favor of the said corporation ; if in the four days which shall follow the said adjudication the deed is not executed and completed in the manner above mentioned, the said adjudication shall be null, and the council shall order to proceed, without any other formality, to another sale and adjudication, reserving, however, the legal recourse of the corporation against the purchaser.

FEEs OF OFFICERS OF COUNCIL.

By-laws.

81. The said council is also authorized to make, in conformity with the law, one or more By-laws :

Fees to officers
of the Council.

82. To fix and determine the fees to be exacted and levied by the respective officers of the said council, for any service by them done or rendered, at the demand of any person, or for searching for, making copies or extracts from any By-law or document whatsoever, of which they respectively have charge ;

To belong to be
City.

83. The said fees shall form part of the funds of the said city ; but no fees shall be exacted in those cases in which the law obliges the said council or its officers to give, gratuitously, copies, extracts or communication of any By-law or document.

GENERAL PROVISIONS RESPECTING BY-LAWS.

Form of pass-
ing.

Publication,
&c.

30. Every by-law shall be read thrice by the said council, at regular and separate meetings, before being finally adopted, and submitted to the Governor in Council ; and after having undergone the first reading it shall be published at length in an English newspaper and in a French newspaper published in the said city, and be followed by a notice indicating on which day such by-law shall receive its second reading, and an interval of at least three clear days shall elapse between such notice and such second reading :

Proof of By-
laws.

2. All copies written or printed, of any by-law, rule or order of council, certified by the city clerk, produced before the said Recorder's Court, or any court of justice, shall be held authentic until proof to the contrary ;

Present By-
laws, &c., con-
tinued till re-
pealed.

3. All rules, regulations, by-laws or orders heretofore legally made by the said city council, or heretofore legally made by the Justices of the Peace, or any other competent authority, and now in force, shall continue to be in force in the said city, until they shall have been abrogated and annulled ;

4. The by-laws now in force in the said city, or which may in future be in force within the limits of the said city, shall be considered public Acts, and knowledge shall be had of them by every Court, Judge and person whatsoever, without it being necessary to allege them specially ;

To be deemed public Acts.

5. A certified copy of every by-law adopted by the city council, shall be transmitted by the city clerk to the Governor General who, during the three months following may disapprove of them, and such disapproval shall render such by-law null and void, in the same way that every by-law is null and void which is repugnant to any law of the province ; but if this disapproval of the Governor shall not be signified to the city council, such by-law shall continue to have full force and effect, unless contrary to any law in force ;

To be transmitted to Governor, who may disapprove.

6. The council may, for the punishment of the infraction of any by-law, impose a fixed or variable fine or penalty, and imprisonment in default of payment, and leave it to the discretion of the court to determine the amount of such fine or penalty, the time of payment, and the term of imprisonment ; the fine or penalty shall not in any case exceed forty dollars, and shall be sued for and recovered in the manner and form prescribed by the law regulating the Recorder's Court of the said city, and the imprisonment shall not be for a longer period than two calendar months, unless a different penalty or imprisonment be fixed by law ;

Discretionary fines, &c., may be imposed.

Limitation.

7. The council may authorize any officer or constable of the police to enter any house, building, yard, premises or other locality whatsoever in the said city, to ascertain if any infringement of the laws or by-laws now in force or which may hereafter be passed by the said council is being therein committed ;

Authorizing entry by police, &c.

8. Whoever shall refuse admission to any officer or constable as aforesaid, or who shall resist his visiting any house, building, yard, premises or other place as aforesaid, in any case in which such officer or constable is authorized by a by-law to demand and exact such admission, or who shall use insulting language towards him, or shall assault and strike him, shall incur, on conviction for the said offence, a fine not exceeding twenty dollars, which said fine shall be sued for and recovered in conformity with the law ;

Penalty for refusing admission.

9. Unless it be otherwise enacted by the present Act, the said council, by any by-law which it may make by virtue of the provisions of the present Act, may impose, for every infringement of such by-law, a fine not exceeding forty dollars, which fine shall be sued for and recovered before the said Recorder's Court, in conformity with the law ;

General limit of fines.

Recognizances
under this Act.

10. All recognizances in penal matters, taken and received in virtue of the present Act, shall hold good if taken before the Recorder's Court, the Recorder, or a Justice of the Peace of the District of Quebec, and shall be subject, as to forfeiture before the said court, to all the proceedings required for the forfeiture of recognizances before courts of criminal jurisdiction.

THE POLICE FORCE.

To be under
control of a
Board.

31. The police force now established in the said city shall, after the passing of this Act, be under the control of a Board consisting of the Mayor, the Recorder, and the Judge of the Sessions of the Peace for the said city, of whom two shall be a quorum, who shall fill all vacancies that may occur in the said force, and have power to appoint and dismiss the men of the said force from time to time; the number of men appointed to compose the said force shall not at any time be less than at present engaged; but the City Council shall have power to increase such number from time to time, as they may deem expedient:

Number of
men.

Police to obey
the Board.

2. The said corps of police shall be under the exclusive control of the said Board, and shall obey—as shall also every man belonging to the said corps—all lawful orders of the said Board and of the Recorder's Court of the said city;

Funds for
police purposes.

3. The said Board shall receive from the funds and revenues of the said city all sums necessary to clothe, equip, arm and lodge the said corps of police or any portion of the same;

Police men to
be constables.

4. Every man forming part of the said corps shall be called a constable of police, and shall have all the powers and privileges attributed by law to constables; and shall be subject to the same responsibility in the exercise of the powers imposed upon him by the present Act; and this provision shall apply to all officers of the said corps;

To be sworn.

5. Before entering upon his functions, every officer or man of the said corps shall make oath, before the Recorder's Court of the said city, (Form F of this Act) to fulfil well and faithfully the duties imposed upon him in his said capacity;

Discipline.

6. The said Board shall make all the by-laws necessary for the organization and discipline of the said corps;

Duties of police.

7. The said constables of police shall keep watch, day and night, to maintain good order and the public peace; to enforce the observance of all laws, rules, by-laws and ordinances in force in the said city, and to prevent misdemeanors and felonies in the said city;

8. The powers of the said constables shall extend to the whole of the District of Quebec; but they cannot act outside the limits of the city unless with the written authority of the Board, or by the order of the Recorder's Court;

Extent of jurisdiction.

9. No constable of police shall leave the said corps before the expiration of the period of his engagement, unless he shall have been dismissed; and in all cases in which a constable shall cease to form part of the said corps, he shall cease to possess the powers conferred upon him by this Act;

Men to serve their term of engagement.

10. Every constable of police, when, in the execution of his duty, shall arrest on view any vagrant, idle, loitering, loose and disorderly person whom he may find disturbing the public peace, or whom he has just reason to suspect of some evil design; or,

Arresting vagrant, &c.

11. Every person whom he shall find lying or loitering in any field, road, street, yard or other place whatsoever in the said city, and not giving a satisfactory account of his presence in such field, road, street, yard or other place; and he shall conduct such person to the nearest police station, there to be detained until the next sitting of the Recorder's Court (if the said court be not then sitting) to be judged according to law, unless such person shall give, before the officer or constable having command or care of the said station, good and sufficient security for his appearance before the said court at its next sitting;

Or loiterers not giving good account of themselves.

12. And any person whom he may find committing any offence against the provisions of chapter one hundred and two of the Consolidated Statutes for Lower Canada, and the Acts amending the said chapter;

Or offending against c. 102 of Can. Stat. L. C.

13. The said Recorder's Court, on due proof of the offence, according to the law which regulates the said court, shall condemn any of the persons mentioned in the three next preceding subsections, to pay a fine not exceeding forty dollars, and, in default of immediate payment, to an imprisonment, with or without hard labor, for a space of time not exceeding four months, unless the said fine and all costs shall be sooner paid;

Fine on such persons.

14. Every officer or constable of police shall, both by day and by night, arrest on view any person infringing a By-law, order or ordinance in force in the said city, and conduct him before the Recorder's Court (if the said court be sitting), there to be judged according to law;

Persons seen infringing by-laws. Taken before Recorder.

15. If the said court be not sitting, he shall conduct the said person to the nearest police station, there to be detained until the next sitting of the said court;

If Court be not sitting.

resident in
the city.

16. If such person reside within the limits of the said city, and is known to the constable of police by whom he was seen committing such offence, or to any other officer or constable of police, in such case such person shall be liberated on his promise to appear before the said court at its next sitting, and if he neglect to appear, he shall be proceeded against by a summons, according to the law which governs the said court ;

Right of police
to enter houses,
&c.

17. Each and every police constable shall have the right to enter and visit any house, building or ground, or any place or house of public entertainment, in order to ascertain whether any infringement of any Act in force in the said city, or of the present Act, is being therein committed ;

Penalty for
opposing entry.

18. Whosoever shall oppose such visit, or who shall refuse to allow the said constable to enter any such house, building or other place as above, or who shall resist, abuse, assault or strike him, in the execution of any duty imposed upon him by the present Act, or any other Act, or any by-law of the said council, shall incur, on conviction, a fine not exceeding forty dollars, or imprisonment for a period not exceeding two months, or both fine and imprisonment together, at the discretion of the court taking cognizance of the complaint ;

Punishment of
policeman
guilty of diso-
bedience, &c.

19. Any police constable who shall be guilty of disobedience, insubordination, drunkenness, negligence, bad conduct, abuse of power, partiality or malversation in the exercise of the duties imposed upon him by the present Act, shall incur, on conviction, for such offence, a fine not exceeding forty dollars, or imprisonment for a period not exceeding two months, or suspension or dismissal from his situation, or several of these penalties at the same time, at the discretion of the court taking cognizance of the complaint ; prosecutions to this effect may be instituted by summons before the Recorder's Court in the name of the Corporation of the City of Quebec, at the demand of the Police Board of the said city, or of any officer of police, or of any person, and no officer or constable so dismissed, shall be competent at any future time to serve in the said police force.

Proceeding in
such case.

ERECTION OF WOODEN HOUSES.

Not to be
hereafter
erected.

32. After the passing of this Act, it shall not be lawful for any person whomsoever to construct or erect any house or building of wood in the said city, or to cover with wood or shingles any house or building :

Chief of police
to report con-
traventions.

2. The chief of police of the said city, shall see to the execution of the foregoing provision, and shall make a report, in writing, to the Recorder's Court of the said city, of any contravention of the same ;

3. The said court, upon such report, shall order the issue of a writ of summons addressed to the proprietor or possessor of the ground upon which such house or building, in wood, shall have been constructed or erected; or in case such house or building is in process of construction, the said summons may be addressed to the contractor or workman constructing or erecting such house or building; ordering, by the said summons, the person so summoned to appear before the said court, at the place, day and hour mentioned in the said writ, in order to answer the complaint laid in the said summons, and to hear the order that the said house or building erected, constructed or in process of erection or construction, shall, within the delay which shall be fixed by the said court, to be thrown down and demolished;

Proceeding on such report.

4. The corporation of the said city shall be the plaintiff in the said summons;

Corporation to be plaintiff.

5. If, on the day of the return of the said summons before the said court, the defendant do not appear, the said court, after proof of the service of the said summons, and on proof by one or more credible witnesses, of the allegations contained in the said summons, shall order, that within the delay which it shall fix, the said house or building be thrown down or demolished by the said defendant; and signification of the judgment to this effect shall be made to the defendant in the ordinary manner;

If the defendant do not appear.

6. If the defendant appear, the said court, after having heard the witnesses produced by the parties, shall decide according to law;

If he appears.

7. In all cases where the said court shall have ordered the defendant, within a certain delay, to throw down and demolish such house or building,—if, at the expiration of the said delay, the order of the said court has not been executed, the said court, on the report in writing, and under oath (made before the said court), of the said chief of police, shall order that a writ do issue from the said court, addressed to the sheriff of the district of Quebec, instructing him to cause to be demolished, without delay, and by all lawful means, the said house or building;

If demolition be ordered and order not obeyed.

Sheriff to demolish.

8. The said sheriff shall report to the said court any act or thing by him done in execution of the said writ, and the lawful costs by him incurred for that purpose, which costs, after approval by the Recorder of the said city, shall be paid to him by the treasurer of the said city without other formality;

Sheriff's report and costs.

9. Any resistance to the said sheriff, or to the persons by him employed, in the execution of the said writ, shall be a misdemeanor,

Punishment for resistance.

misdemeanor, punishable on conviction before a court of competent jurisdiction, by a fine not exceeding four hundred dollars, and in default of payment of the said fine, by imprisonment and detention at hard labor in the common gaol of the said district of Quebec, for a period not exceeding twelve months ;

Costs, how levied.

10. The costs of summons and proceedings in such cases, as well as those incurred in demolishing or throwing down any such house or building, shall be levied by the seizure and sale of the property and effects, movable and immovable, of the defendant, on a writ of execution issued by the said Recorder's Court, in conformity with the law ;

Buildings not to be re-covered with shingles.

11. After the passing of the present Act, any house or building which may be built, re-built or erected in the said city, shall not be covered with wood or shingles ; but any such house or building shall be covered only with sheet-iron, tin, zinc, slate or other incombustible material, under pain of a fine not exceeding two hundred dollars for every infringement of the present provision ; and, furthermore, of a fine of twenty dollars per day for every day during which the said infringement may continue ;

Fine.

How recoverable.

12. The said fine shall be recovered by the said corporation, by an action of debt, on proof of such infringement established by two or more credible witnesses, and recovered from the defendant in the same manner as other debts, due to the said corporation, may be so recovered on an action brought before the said Recorder's Court ;

Punishment of chief of police for neglect of this duty.

13. If the chief of police neglects to perform the duties imposed upon him by this Act, or if, being required by any person whomsoever to perform the same, he refuses or neglects so to do, the said chief of police, on complaint to that effect brought by any person whomsoever, or by the said corporation, before the said Recorder's Court, shall, on proof of such offence, established by two or more credible witnesses, be condemned to pay, for every such offence, a fine not exceeding two hundred dollars, which said fine shall belong to the said city, and shall, by an action of debt, be sued for and levied in the same manner as hereinabove mentioned.

POWERS OF CITY SURVEYOR WITH RESPECT TO STREETS.

Width.

33. No street, public passage or lane which may hereafter be opened, within the limits of the city, shall be less than thirty feet in width :

Taking possession of ground encroached on.

2. The Corporation shall and may retake possession, without payment of any indemnity of the ground of any street, road, market or other public places, upon which any person may have encroached ;

3. The City Surveyor and Inspector or Inspectors of roads shall visit the streets, roads, lanes, bridges, market-places, and other places, and generally all the property of the said corporation, and cause all obstructions to be removed therefrom and also all encroachments, by the persons liable or interested therein, by giving such persons notice in writing, either by serving or causing it to be served upon them personally, or by leaving or causing to be left such notice at their domicile or place of business, in charge of a reasonable member of their family, or person in their employ, requiring them to remove and suppress the said obstructions and encroachments, within a reasonable time to be specified in such notice, and in default of their doing so within the time to be so specified, the said inspectors or any or either of them, shall cause the said obstructions to be so removed and the said encroachments to be suppressed, at the cost and charges of such persons, which cost and charges may be recovered, by a suit for debt brought in the Recorder's Court in the name of the said corporation, of and from such persons, together with the cost of such suit or action, and such persons shall further be liable to a penalty, not exceeding forty dollars for non-compliance with such notice ;

City surveyor to cause obstructions and encroachments to be removed.

Notice to persons in default.

Costs.

Fine.

4. Whenever the city surveyor shall deem it necessary that a new foot-way should be laid down or renewed, or repaired in the whole or in part, in front of any house or premises in any street in the city, it shall be incumbent on the proprietor or occupant of such house or premises, within seven days after notice in writing to that effect shall have been served upon him or her, by or at the instance of the said city surveyor, either personally or by leaving the said notice at the residence or place of business of such proprietor or occupant, and giving the same to a reasonable member of the family, or person in the employ of such proprietor or occupant, which said notice shall require the said proprietor or occupant to furnish and deliver on the spot the necessary deals or planks to repair or to make such footway or renew the same in whole or in part, and to comply with the requirements of the said notice, and in default of such proprietor or occupant doing so within the said delay, it shall be competent to the said city surveyor to cause the said deals or planks to be purchased for any of the purposes aforesaid, and delivered on the spot aforesaid, at the costs and charges of such proprietor or occupant, which said costs and charges shall be recovered from such proprietor or occupant by an action for debt instituted in the name of the corporation in the Recorder's Court, together with the costs of such action ; in cases where the occupant, by lease or agreement, is not bound to pay such charges, he shall be entitled to recover the amount of the said deals and planks, and cartage thereof, or the amount of the judgment rendered against him, and costs, from the proprietor or other person bound by such lease or agreement to pay the same, by an action brought to that effect before the said court ;

Proceedings for causing renewal of any footway.

Notice.

Proprietor to furnish wood : or corporation at his expense.

Recourse o tenant furnishing wood.

Persons intending to build, &c., to give notice to city surveyor, before placing materials on street.

5. Any person desirous of building, reconstructing, demolishing or repairing any house, building, enclosure or wall on any street, road, lane, or public place, shall give notice to the city surveyor of the time when such work will be commenced and finished, and obtain from him or other person duly authorized, a permit, stating the width upon any such street, road, lane, or public place, such person may occupy, for placing building material or rubbish thereon, and such width shall not exceed one third of the said street, road, lane or other public place, and shall be enclosed by the person so building, demolishing or repairing, by a wooden fence of at least ten feet high; any person violating any of the provisions shall be liable to a penalty not exceeding forty dollars;

Fine for contravention.

Fee for permit.

6. The said corporation may charge a reasonable fee for such permit to the person to whom it shall be given;

Projections over streets, &c., prohibited.

7. It is strictly prohibited to have any gallery, window, portico, staircase, sign, or other obstruction, extending or projecting from any house or building into or beyond the line of any street, road, lane or public place in the said city, and the city surveyor shall, without previous notice, cause any such to be removed at the expense of the proprietor of such house or building; which said costs and charges shall be recovered by an action of debt by the said Corporation before the said Recorder's Court;

Removal thereof.

Winter roads.

8. From the first day of November until the first day of May in each year, the proprietors or occupants of houses, lots or vacant spaces of ground in the city, shall keep in repair and good condition, the roads whereby their property is bounded on every side, conformable to the regulations which may be in force.

GENERAL PLAN OF THE CITY.

City Council to cause plan to be prepared and deposited in office of City Clerk.

34. The city council shall, within three years, cause to be made a general plan of the city, and such plan shall be deposited six consecutive months in the office of the city clerk, for the inspection of the public; notice of such deposit shall be given by the city surveyor once a week during the said six months, in a French and in an English newspaper published in the said city; and the day on which the homologation of such plan will be applied for shall be mentioned in such notice; whoever shall consider himself aggrieved by the said plan, or shall find such plan erroneous in any particular, shall file an opposition before the Recorder's Court, before the said day fixed for the homologation thereof, and the said court shall decide summarily, and award costs in favor of or against such opposant according to law and justice; if the plan shall be approved and confirmed, the clerk of the said court shall mention it on the said plan, and thereupon such plan shall be binding for and against all persons.

Corrections, and homologation: its effect.

EXPROPRIATION FOR PUBLIC IMPROVEMENTS.

35. The council of the said City of Quebec shall have full power and authority to provide by a by-law of the said corporation for opening, extending or widening of streets, public highways, places or squares, or the construction of public buildings, and to order at the same time that such improvement shall be made out of the city funds, or that the costs thereof shall be assessed in whole or in part upon the pieces or parcels of land belonging to parties interested in, or benefited by, the said improvement, and to purchase, acquire, take and enter into any land, ground or real property whatsoever within the limits of the said city, either by private agreement or amicable arrangement between the corporation of the said city and the proprietors or other persons interested, or by complying with all the formalities hereinafter prescribed, for opening streets, public squares, markets, or other public places, or for continuing, enlarging, or improving the same, or a portion of the same, or as a site for any public building to be erected by the said council:

By-law authorizing public improvement: and at whose cost.

Taking land for such improvement.

2. All corporations or bodies, and all husbands, tutors, guardians, curators *grevés de substitution*, or trustees who are or shall be seized or possessed of, or interested in, any piece or pieces, lot or lots, of ground or real property within the said city, selected and fixed upon by the said council for any of the purposes aforesaid, may not only for themselves, but for and on behalf of all persons whom they represent, or for whom, or in trust for whom they are, or shall be, seized, possessed or interested, whether minors, issue unborn, lunatics, idiots, *femes covert*, or other persons, contract for, sell and convey such piece or pieces, lot or lots of ground or real property to the said corporation; and such contracts, sales and conveyances shall be valid and effectual in law, to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding; and all corporations and persons whatever so contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale or cession which he, she, or they shall respectively make by virtue of, or in pursuance of this Act, without, however, diminishing, in any manner whatever, the responsibility of such corporations and persons towards those whom they represent, as regards the purchase money or compensation of such sales or conveyances;

Certain parties enabled to convey to corporation.

3. In case the council of the said city, after having resolved upon undertaking and carrying out any of the said works or improvements for which it has been necessary to acquire one or more lots of ground or real property, or any part of such lots of ground or real property, within the limits of the said city, cannot come to an amicable arrangement with the persons seized or possessed of, upon any title whatsoever, or interested in, the said lots of ground or real property, or any part thereof,

In case the party and the council cannot agree upon the compensation to be paid.

or

or who may be absent or unknown, as regards the price or compensation to be paid for the said lots of ground or real property, or any part thereof (the said corporation, however, shall not be bound to take any step or proceeding towards securing such amicable arrangement), such price or compensation shall be fixed and determined in the following manner, to wit :

Notice by post to the party last assessed for the property : and in newspapers.

4. The corporation of the said city, by their attorney or counsel, shall give a special notice addressed through the Post Office to the person in whose name the property was lastly assessed on the Assessment Roll, as proprietor at his actual or last known domicile, and shall also give public notice in at least two newspapers, one of which published in the French and the other in the English language, in the said city, which said notice shall have two insertions in each of the said newspapers, that they will by and through their said attorney and counsel present on the day and hour mentioned in the said notice, to the Superior Court of Lower Canada, in and for the District of Quebec, sitting in term, or to any of the Judges of the said Court in Chambers, pending the vacation, and during the months of July and August in each and every year, a petition calling upon the said Court or any one of the Judges thereof respectively, to choose and nominate three competent and disinterested persons to act as commissioners to fix and determine the price or compensation to be allowed for each and every such lot of ground or real property, or any part thereof, which may be required by the said corporation for the purposes of the said improvements, and which shall be designated in the said notice by giving the boundaries (*tenants et aboutissants*) ; and one month at least shall elapse from the date of the last insertion of the said notice in the said newspapers, to the day appointed for the presentation of the said petition ; and the said notice shall, moreover, be posted in both languages, twenty days previous to the date of the presentation of the said petition, in three different places, upon each and every lot of ground or real property liable to expropriation, or in the immediate vicinity thereof ;

Petition to Superior Court or Judge to appoint three commissioners to fix compensation for all property taken.

Court or judge to appoint.

5. The court or judge, as the case may be, to whom the said petition shall have been presented, shall appoint three commissioners as aforesaid, and fix the day on which the said commissioners shall begin their operations, and also the day on which they shall make their report ; Provided always, it shall be lawful for the said court, or the said judge, to extend the said delays upon reasonable grounds being shown to that effect ;

Proviso.

Commissioners appointed bound to Act, under penalty.

6. The judgment embodying the said appointment shall be served, with as little delay as possible, upon the said commissioners, who shall be held to accept the said office and to perform the duties thereof, under the penalty of a fine of one hundred dollars, which it shall be competent for the said Superior

Superior Court to inflict upon each of the said commissioners upon proof of his or their refusal or neglect to perform the said duties ; but the exemptions provided for, in behalf of certain persons, by the Statute for Lower Canada, relating to juries, shall apply equally to any of the said commissioners, who may appertain to any one of the classes of persons mentioned in the said Statute ;

Exemptions.

7. Immediately after the appointment of the said commissioners, it shall be the duty of the city surveyor to furnish them with a plan or map showing the proposed improvement, as also the pieces or parcels of ground or real estate to be expropriated ;

To be furnished with plan.

8. The said commissioners, before proceeding, shall be duly sworn before the Prothonotary of the said Superior Court in the form specified in the annexed schedule, marked K ; and they shall be invested with the same powers and intrusted with the same duties as are conferred by the laws in force in Lower Canada upon *experts* in reference to appraisements ; and they shall be entitled to receive a remuneration not exceeding four dollars per day each, during the whole time they shall of necessity be occupied in the performance of the said duties ;

Oath of office.

Powers.

Remuneration.

9. The said commissioners may, if they deem proper, call upon the proprietors or parties interested, to give them communication of their title deeds ; and upon their failing to comply with such demands, the said commissioners are hereby authorized to procure copies of the said title deeds at the cost of the said proprietors or parties interested ; and the amount of the said costs shall be deducted from the price or compensation to be finally awarded to the said proprietors or parties interested for the expropriation ;

Power to compel production of title deeds.

10. It shall be the duty of the said commissioners to diligently proceed to appraise and determine the amount of the price, indemnity or compensation which they shall deem just and reasonable for each of the pieces or parcels of land or real estate, the expropriation whereof shall have been resolved upon by the city council or for the damages caused by such expropriations : and the same commissioners may act and adjudicate upon the price or compensation for all and every the pieces or parcels of land or real estate, buildings or parts of buildings thereon erected, required for any improvement which the said council may have ordered to be made and carried out at one and the same time ; and the said commissioners are hereby authorized and required to hear the parties and to examine and interrogate their witnesses, as well as the members of the city council and the witnesses of the said corporation ; but the said examination and interrogatories shall be made *viva voce* and not in writing, and shall consequently not form part of the report to be made by the said commissioners, any law, usage

Duties of commissioners in fixing compensation.

Hearing parties and witnesses.

or

Proviso: in case of difference of opinion, majority to decide.

or custom to the contrary notwithstanding; provided always, that if, in the discharge of the duties devolving on the said commissioners by virtue of the present Act, there should occur a difference of opinion between them as to the value of the piece of land or real estate about to be expropriated, or upon any other question within their province, the decision of two of the said commissioners shall have the same force and effect as if all the said commissioners had concurred therein;

if only part of any property be taken.

11. In every case wherein the corporation of the said city may have resolved to carry out and execute any of the works or improvements aforesaid, at the city's expense exclusively, the said commissioners shall be held to determine and award when the expropriation shall apply to or affect but a portion of the property or real estate, what may be the damage to or deterioration in value of the residue of the property or real estate by the separation from it of the part required by the said corporation, and they shall determine, first, the intrinsic value of the part of the property and premises to be taken, and, secondly, the increased value, if any, of the residue of the property caused by the proposed improvement, and the difference between the intrinsic value of the part of the property and premises required and the increased value aforesaid shall constitute the price or compensation which the party or parties interested shall be entitled to, and when the said commissioners shall determine and award that the increased value is equivalent to or in excess of the intrinsic value of the part of the property and premises required, then they shall not award any price or compensation for the part so required or liable to expropriation;

if the commissioners fail to perform their duties, they may be removed and others appointed.

12. If one or more of the said commissioners, at any time after their appointment, shall fail in the due performance of the duties assigned to them in and by the present Act, or shall not fulfil the said duties in a faithful, diligent and impartial manner, it shall be lawful for the corporation of the said city, by its attorney, to apply, by summary petition, to the said Superior Court, or to a Judge thereof, as the case may be, to stay the proceedings of the said commissioners, and to remove and replace the commissioner or commissioners who may have forfeited or violated his or their obligations; and upon such petition the said court or judge may issue such orders as may be deemed conformable to justice;

If either of the commissioners die, &c.

13. In case any of the said commissioners should, after being appointed, die or be unable to act, the said court, or one of the judges thereof, as the case may be, shall, upon a summary petition to that effect to be presented by the corporation of the said city, after two clear days' notice to be established to the satisfaction of such Court or Judge, replace such commissioner by another competent and disinterested person, upon whom the said office shall be binding in the same manner as upon his predecessor;

14. So soon as the said commissioners shall have completed the proceedings relating to the appraisalment, and determined the price or compensation for the pieces or parcels of land or real property about to be expropriated, they shall give public notice by means of two placards, one in the French and the other in the English language, to be posted upon or in the immediate vicinity of such pieces or parcels of land or real estate, that on the day mentioned in the said notice, all parties interested or claiming indemnity, or who may consider themselves aggrieved by the said appraisalment, shall be heard before them in one of the rooms of the City Hall; and when such parties aggrieved or claiming indemnity shall have been heard as aforesaid, it shall be lawful for the said commissioners to maintain or modify, at their own discretion, the appraisalment made by them of any piece or parcel of land or real estate as aforesaid;

Public notice of decision of commissioners.

Hearing parties aggrieved, Corrections.

15. On the day fixed in and by the judgment appointing the said commissioners, the corporation of the said city, by their attorney or council, shall submit to the said Superior Court, or to one of the Judges thereof respectively, the report containing the appraisalment of the said commissioners, for the purpose of being confirmed and homologated to all intents and purposes; and the said Court or Judge, as the case may be, upon being satisfied that the proceedings and formalities hereinafter provided for have been observed, shall pronounce the confirmation and homologation of the said report which shall be final as regards all parties interested, and consequently not open to any appeal;

Homologation of Report of commissioners which shall then be final.

16. In case any street, public place or square shall be laid out and determined before the confirmation and homologation of any of the plans or maps of the said city, hereinbefore provided for, or if any street, public place or square shown and designated on the said plans or maps, shall be widened or extended after the confirmation and homologation of the said plans or maps, no indemnity or damage shall be allowed or granted for buildings, structures or improvements which the proprietors or other persons whomsoever, shall have caused to be erected or made upon any of the pieces or parcels of land, or real property which the corporation of the said city may resolve to acquire for public purposes, from the time that the public notice mentioned in the fourth subsection of the present section, shall have been posted upon the said pieces or parcels of land or real estate as aforesaid;

No compensation for buildings, &c., erected after notice of intended improvement.

17. The corporation of the said city shall, within fifteen days from and after the confirmation and homologation of the report of the said commissioners, make, in the hands of the Prothonotary of the said Superior Court, whose duty it shall be to grant to the said corporation a written acknowledgment thereof, a deposit and consignment of the price or compensation and damages

Compensation awarded to be deposited in Court: effect of such deposit.

damages settled and determined in and by the said report ; and the act of such deposit and consignment shall constitute, in behalf of the corporation of the said city, a legal title to the property of each of the said pieces or parcels of land or real estate, and from thence all proprietors of, or other persons whatsoever interested in, the said pieces or parcels of land or real estate, shall lose and be divested of all their rights or claims thereto, and the said corporation shall be vested with the said pieces or parcels of land or real estate, and may of right and without any further formality enter in possession of, and use the same for any of the purposes authorized in and by this Act ; any law, statute or usage to the contrary notwithstanding ;

Compensation to represent the property as regards charges on it.

18. Any expropriation made in virtue of the present section shall have the effect of removing and paying off all mortgages or privileges with which the said pieces or parcels of land or real estate may be burdened or encumbered at the time ; but the price or compensation deposited in the hands of the Prothonotary, as aforesaid, shall be held to represent the said pieces or parcels of land or real estate as regards all mortgages or privileged creditors, whose rank and priority shall be preserved in the distribution to be made of the money deposited conformably to this Act ;

Court to call in creditors, &c., of parties entitled to compensation.

19. When the money shall have been deposited and consigned in the hands of the Prothonotary, in accordance with the provisions of the seventeenth subsection of this section, the said Superior Court shall determine the mode of calling forth the creditors of the party entitled to such money, or his legal representatives and all other parties interested, and issue such orders as may be deemed advisable and just as regards the delivery or distribution of the money, or any other matter in connection with the claims or demands of the parties interested ; Provided, always, that when the price or compensation and damages shall be paid in whole or in part to the party entitled to the same (but this proviso shall not be held to apply to his creditors), the amount of such price or compensation and damages shall not be subject to the commission which the Prothonotary of the said Superior Court is entitled to receive, nor to any tax, commission or impost whatsoever ;

Proviso : not to be subject to tax.

Foregoing provisions to apply to compensation in certain other cases, where land is not taken.

20. All the provisions contained in the fifth and following subsections of the present section of this Act, with regard to the appointment of commissioners and the mode of ascertaining the value of the pieces or parcels of land or real estate taken by the corporation of the said city, shall be and are hereby extended to all cases in which it shall become necessary to ascertain the amount of compensation to be paid by the said corporation to any proprietor of real estate or his representatives, for any damage he or they may have sustained by reason of any alteration, made by order of the said council, in the level

of any footpath or sidewalk, or by reason of the removal of any establishment subject to be removed under any by-law of the said corporation, or to any party by reason of any other act of the said council for which they are bound to make compensation, and with regard to the amount of compensation for which damage the party sustaining the same and the said corporation shall not agree; and the amount of such compensation shall be paid at once by the said corporation to the party having a right to the same, without further formality; and any person who shall erect any building whatever upon or contiguous to any established or contemplated street, public place or square in the said city, without having previously obtained from the city surveyor the level of such street, public place or square, shall forfeit his or her claim for damages or compensation by reason of any injury caused to the property when such level shall be settled and determined by the said council, through the road committee;

21. In all cases where, for the purpose of opening any street, square, market-place or other public place, or for continuing, enlarging or otherwise improving the said streets, squares, market-places, or other public places, or as a site for any public building to be erected by the said corporation, the said corporation shall deem it advantageous to purchase and acquire, or take or enter upon, more than the ground actually required for any of the said purposes, it shall be lawful for the said corporation so as aforesaid, to purchase and acquire an extent over and above what may be required for the above purposes; Provided, nevertheless, such extent do not exceed one hundred feet in depth by whatever length may exist, and such extent of one hundred feet may be taken out of one or both sides of the said street, square, market-place or site for any public building, in case the proposed improvement applies to both sides of such street, square, market-place or site, as aforesaid; Provided also that if any proprietor, a portion of whose property may be required for the above purposes, objects to the said corporation taking or acquiring more than the piece or parcel of his lot required for any of the said purposes, such proprietor shall make known his objection by causing a written notice to that effect to be served upon the said corporation at least two days previous to the day fixed as aforesaid on which the said commissioners are to begin their operations; in which case the said corporation can only take and acquire the piece or parcel of land required for the improvement and no more;

Corporation may take more than the extent actually requisite.

Limitation.

Proprietor may object, and then the provision shall not apply.

22. The corporation of the said city may open, continue or widen any streets or highways, and establish public parks or squares, beyond the limits of the said city, and acquire any piece or parcel of land required for any of the said purposes, in the same manner, and by following the same formalities as those prescribed in and by the present Act, for similar improvements within the limits of the said city; Provided, always,

Corporation may improve streets, and acquire land beyond the limits of the City.

Proviso: eom- that

sent of municip-
ality required.

that before exercising any of the powers conferred upon it, by the present section, the said corporation shall obtain the consent of the municipality within the limits of which such powers are to be exercised, and such last mentioned municipality is hereby empowered to exempt from any tax or assessment, if it sees fit so to do, the public parks, squares or public places to be opened or established as aforesaid ;

Corporations
whose property
is taken may
acquire other
property.

23. Corporations, ecclesiastical or civil, whose property or any part of whose property, shall be conveyed to, or taken by the said corporation of the City of Quebec, under the authority of this Act, may invest the price or compensation paid for the property so conveyed or taken, in other real property in any part of this Province, and may take and hold the same, without Her Majesty's Letters of Mortmain, any law to the contrary notwithstanding ;

Assessment of
costs of impro-
vement on
parties bene-
fited.

24. So soon as the report of the said commissioners shall have been confirmed and ratified by the said Court, or by one of the judges thereof, as the case may be, conformably to the fifteenth subsection of the present section of this Act, it shall be the duty of the assessors of the said city, in all cases where the said council may have ordered, in conformity with the first subsection of the present section of this Act, that the cost of the said works or improvements shall be borne in whole or in part by the proprietors or parties interested, benefited or to be benefited by the said improvements, to assess and apportion in such manner as to them may appear most reasonable and just, the price or compensation, indemnity, damage and cost of such expropriation or improvement, in whole or in part, conformably to the by-law of the said council, upon all and every the pieces or parcels of land or real estate which have been benefited, or may hereafter be benefited, by such improvement ; and the said assessors shall have the exclusive power or privilege to determine what pieces or parcels of land or real estate shall have been or may be benefited, and to what relative or comparative amount ; and the said assessors shall, for the purposes of the said improvement, base their valuation upon the actual value of the said pieces or parcels of land or real estate, in view of the said improvement ;

Basis of assess-
ment.

Deposit of
special assess-
ment Roll.

25. Immediately after the completion of the said special assessment roll, the said assessors shall deposit the same, duly certified, along with a plan or map, designating all and every the pieces or parcels of land or real estate subject to or liable for the said special assessment, in the office of the city clerk, for the examination and inspection of all parties interested ; and they shall give public notice of the completion and deposit of the said special assessment roll as aforesaid, in at least two newspapers published in the said city, which notice shall have at least two insertions in one newspaper published in the

Notice.

French

French language, and a like number of insertions in one newspaper published in the English language; and every proprietor or interested party may, within fifteen days from and after the last insertion of the said notice, apply to the said assessors to make known his grievances, in case such proprietor or interested party shall deem himself aggrieved by the manner in which his property may have been assessed, and thereupon the said assessors may, and they are hereby empowered, to maintain or modify, at their discretion, the special assessment roll; provided that the delay of fifteen days aforesaid once expired the said special assessment roll shall, of right, be confirmed and become in force by the mere lapse of time;

Parties aggrieved to be heard.

Corrections.

Delay for corrections.

26. The special assessment mentioned in the next preceding subsections may be recovered by the corporation of the said city in the same manner as any other tax or assessment which the said corporation are authorized to impose by this Act;

Recovery of such assessment.

27. The duties assigned to the said assessors by the twenty-fourth and twenty-fifth subsections of the present section may be performed with the same force and effect by the concurrent majority of the said assessors; and in every case where a difference of opinion may arise between the said assessors, the decision of the majority of all the assessors shall have the same force and effect as if the whole of the said assessors had concurred therein;

Majority of assessors may act.

28. The mode prescribed in the preceding subsections for expropriations, and for levying and determining special assessments, shall have force and effect, and shall be followed and applied, only as regards works and improvements which the council of the said city may hereafter order to be carried out;

Preceding provisions to apply to future improvements, only.

29. It shall be lawful for the council of the said city to order, by by-law, certain works or improvements in the streets, public places or squares of the said city, such as dressed-stone paving, flagstone or brick footpath or side-walks, or grading, and to defray the cost of the said works or improvements out of the city funds, or to assess the cost thereof, in whole or in part, as the said council may, in their discretion, deem proper, upon the proprietors or usufructuaries of the real estate situate on either side of such streets, public places or squares in proportion of the frontage of the said real estate respectively; and in the latter case it shall be the duty of the city surveyor to apportion and assess the cost of the said works or improvements, or such part thereof as the said council may have determined should be borne by the said proprietors or usufructuaries upon the said real estate, according to the frontage thereof as aforesaid; and the said assessment, when so made and apportioned, shall be due and recoverable, the same as all other taxes and assessments, before the Recorder's Court;

Council may order dressed-stone footpaths, &c.

Cost, how payable and how assessed.

Who shall be deemed absent.

30. Every person without a domicile or place of business within the limits of the said city, shall be deemed to be absent, within the meaning of the present section ;

Bailiffs may serve notice under this section.

31. Any bailiff of the Superior Court for the district of Quebec may serve and post up the notifications required by the present section, and make a return thereof under his oath of office.

THE CITY WATER WORKS.

Corporation may construct water works and to what distance beyond the City.

36. And whereas it is necessary to consolidate and amend the law relating to the water works of the City of Quebec ; it is enacted that the corporation of the City of Quebec is authorized to make, erect, construct, repair and maintain, in the City of Quebec, and without the limits of the said city for a distance of twenty-five miles, water works, together with all appurtenances and accessories necessary to introduce, convey and conduct throughout the said city and parts adjacent a sufficient quantity of good and wholesome water, which the said corporation is authorized by the present Act to take and distribute for the use and supply of the inhabitants of the said city and the parts thereto adjacent ; and also to improve, alter or remove the said water works or any part or parts thereof ; and to change the site of the several engines and places or sources of supply thereof ; and also to erect, construct, repair and maintain all the buildings, houses, sheds, engines, water-houses, reservoirs, cisterns, ponds and basins of water, and other works necessary and expedient to convey water to the said city and parts adjacent thereto :—For this purpose the said corporation may purchase, hold and acquire any lands, tenements and immovable estates, servitudes, usufructs and hereditaments in the said city, or within a circuit of twenty five miles from the limits of the said city ; and also to make contracts for the acquisition of lands necessary for the said water works ; acquire a right of way whenever it may be necessary ; pay any damages occasioned by such works either to buildings or lands ; enter into and make agreements and contracts with any person for the construction of the said water works in whole or in part ; superintend and direct the works completed ; name and appoint an engineer and all officers and laborers necessary, and fix their salaries or wages ; enter during the day-time, upon the lands of private individuals for the purposes aforesaid and also make excavations and take and remove stones, soil, rubbish, trees roots, sand, gravel and other materials and things, but by paying or offering a reasonable compensation for the said materials and things, and by conforming in all things with the provisions of this Section ;

Powers for this purpose.

The said rights may be assigned and re-purchased.

2. The said corporation may assign and make over, for a period not exceeding twenty years, all the rights and privileges conferred by the present section, and may re-purchase them after having been so assigned.

3. All bodies politic or corporate, or corporate or collegiate corporations, aggregate or sole, communities, husbands, tutors or guardians, curators, *grevés de substitution*, executors, administrators and other trustees or persons whatsoever, are authorized to sell to the said corporation such lands, tenements, servitudes, usufructs and hereditaments, which the said corporation may require for the purpose of the present section, and which they may be possessed of in their present qualities; they may also agree with the said corporation in the same way as private individuals, respecting all matters relative to the works mentioned in the tenth and eleventh subsections of the present section; and all contracts, agreements, references to arbitrators, sentences and verdicts rendered for or against them, shall be equally binding upon those whom they represent, wherever the property or interests of such may be concerned;

Parties enabled to convey to the corporation for water works.

4. The Governor in Council may grant or give to the corporation, on such condition as he may deem expedient, beach, lots or ground covered by water, to enable the said corporation more fully to carry this Section into effect;

Governor, &c., may grant beach lots, &c.

5. The said corporation, after having paid or offered or deposited the municipal value of any real estate it may require for the purposes of the present section, may enter upon and take possession of the same in virtue of the present section, but not unless such payment, offer of payment or deposit shall have been made;

Corporation may take possession on certain conditions.

6. Whoever shall not accept the offer made in writing by the said corporation for lands, servitude, right of way, or other thing or dependency thereof, may agree with the corporation to refer the subject in dispute to *experts* or arbitrators; and the award of such *experts* or arbitrators shall be final and binding in all matters, the value of which shall not exceed one hundred dollars, but in all matters, where the award shall exceed this sum, the dissatisfied party may appeal to the Quarter Sessions of the District of Quebec, at the next following sitting thereof, after the rendering and publication of the said award, otherwise the sentence or award shall be final and binding; and the costs shall be paid by the party against whom the *experts* shall award them; if there be any appeal the Court shall refer the question of compensation to a jury, and the costs of appeal shall be paid by the appellant if the verdict of the jury shall confirm the said sentence, and by the respondent if the contrary be the case.

Reference to arbitrators or experts if parties and corporation do not agree.

Appeal.

7. If the corporation and the party who shall not accept the offer of the corporation shall not agree respecting the nomination of the *experts*, the said party shall name one and notify the corporation of the fact, and call upon the corporation to name the second *expert*, and if the said corporation shall not choose him within three days after the date of such demand, or if the *expert* appointed

Nomination of experts by corporation and party.

appointed or chosen by the corporation shall refuse to act within three days after his appointment, one of the Judges of the Superior Court for Lower Canada, residing in Quebec, shall, upon the petition of the dissatisfied party, upon proof upon oath of one credible witness that the facts are such as above recited, name an *expert* for the said corporation, and the said two *experts*, before acting shall name a third expert, and if they should not agree upon the choice of such third *expert* the said Judge shall name him, upon the request of the dissatisfied party, and all that is mentioned in the next preceeding subsection with reference to the award of the arbitrators, the right of appeal and costs of appeal, shall also apply to the award of the *expert* named in virtue of the present section.

Third expert
how appointed.

Deposit of com-
pensation if the
title be doubtful.

8. If there shall be any doubt as to whom the compensation for any real estate required by the corporation shall or ought to be paid, or to whom the offer of payment ought to be made, the corporation shall in such case deposit the amount of the said compensation in the hands of the Prothonotary of the said Superior Court, at Quebec, to abide the judgment of the said Court relative to the distribution of the said sum among the parties who shall be entitled thereto; and the said Court shall prescribe the mode of calling in all parties interested, and make such order or decision in relation to the same as in its discretion shall seem just and reasonable;

Provisions to
apply to servi-
tudes.

9. The preceding subsections shall apply to the case where the said corporation shall desire to exercise a right of way or servitude, or cause works to be done on any private property; the corporation shall have the power to exercise these rights, or cause such work to be done, after payment, or offer of payment, or deposit of the amount of indemnity that it may deem reasonable in such case, and if the parties interested shall not agree with the said corporation respecting the amount, or the award and choice of the *experts*, the proceedings above mentioned shall be followed according as the case may be;

Power to open
the ground on
roads, &c.

10. The said corporation shall have power to dig, break up and remove the soil, fences, sewers, drains, pavements, gravelled ways, of any public highways, roads, streets, squares, hills, market places, lanes, open areas, alleys, yards, courts, waste grounds, footways, quays, bridges, gates, tollgates, enclosures, ditches, walls, boundaries, and other passages and places, but making or causing no unnecessary damage, and to enter upon and make use of any private lands, and use the same, and to dig and sink branches, and lay and drive pipes, appurtenances and accessories thereof, and to widen common passages, for the laying and fixing of pipes and all such matters and things as may be necessary thereto, and necessary to convey the water to houses, or other buildings, and also to alter, repair, replace and maintain such pipes, and other materials, and works, and finally make and do any other act, as shall or may be necessary or expedient for the purposes of the present section;

And to lay
pipes.

General
powers.

11. It shall be lawful for the said corporation to pass pipes along the outside of any house or other building, to furnish water to any other property, and open and unpave common passages, and make trenches to lay pipes and other appurtenances and accessories, and in such case shall indemnify the proprietors for any damage occasioned to, or, sustained by them ;

Passing pipes along buildings, passages, &c.

12. Whoever, having the right to do so, shall open or cause to be opened any trench, shall take care to preserve a free and uninterrupted passage through the street or place, while the works are in progress, and shall fill up the trenches and replace the pavement and ground in the same condition as that in which they were before the works were begun, and without unnecessary delay ; and shall cause the place where the ground shall be opened, or broken up as aforesaid, to be fenced or guarded with lamps, or with watchmen during the night, so that the same may not be dangerous to passengers, upon pain of a fine or penalty of twenty dollars, to be recovered before the Recorder's Court, by summary process and upon oath of one credible witness ; this fine shall not deprive any person injured by the said excavation of a right to an action of damages against the corporation ;

Free passage along roads, &c., to be preserved.

Openings to be lighted and watched.

13. The said water works and the accessories thereof shall be so located and maintained as in nowise to endanger the public health or safety ;

Location of works.

14. Whoever, not having any right thereto and without the authority or permission of the Council of the said city, shall take or use, in any manner whatsoever, water from the said water works, shall incur, on conviction for the said offence, before the Recorder's Court of the said city, a fine not exceeding one hundred dollars, and in default of payment of the said fine with costs, shall be imprisoned and kept at hand labor, in the common gaol of the district of Quebec, for a period not exceeding three months, unless the fine, costs of prosecution and of imprisonment, be sooner paid ;

Penalty for using water without authority.

15. If any person shall bathe, or wash, or cleanse anything in any of the reservoirs, cisterns, ponds, lakes, basins or fountains from whence the water to supply the said city is obtained or conveyed, or shall throw or put any filth, dead carcass, or other noisome or offensive thing therein, or cause, or permit the water of any sink, sewer, or drain, to run or be conveyed into the same, or cause any other annoyance or derangement to be done to the said water, such person shall be liable for each offence to a fine not exceeding one hundred dollars of which one-half shall belong to the said corporation, and the other half to the informer, which said fine shall be levied in the manner prescribed by the next preceding subsection ; if the said Recorder's Court, before which shall be brought any complaint

Penalty for bathing, &c., in water in reservoirs, &c.

Imprisonment in addition.

for the commission of any of the offences above mentioned, shall deem it expedient, the offender shall be condemned, in addition to the fine or fines above mentioned, to an imprisonment not exceeding three months in the common gaol of the District of Quebec;

Penalty for
impeding the
corporation in
the said works.

16. If any person shall prevent the said corporation, or any person employed by the said corporation, from erecting, repairing or completing any of the works of the said water works, or from exercising any of the powers and rights accorded by this section, or shall embarrass or shall interrupt them in the exercise of such rights, or cause any injury to the said water works, apparatus or accessories thereof, or obstruct, embarrass, hinder or prevent the working of the said water works, or the apparatus, or accessories thereto belonging, or any portion thereof, or shall cause the same to be done by others, such person shall be liable in addition to the punishment prescribed by the present section, to the damages that the said corporation shall or may suffer from any or all of such acts, and the said corporation may recover such damages by complaint or suit before the said Recorder's Court, and on the evidence upon oath of any credible witness, with costs of suit;

Damages in
addition.

Penalty for
furnishing
water from
water works to
others; or
wasting it.

17. The said corporation shall have the power to make by-laws or orders prohibiting, upon pain of a fine not exceeding forty dollars, or an imprisonment not exceeding one month, or both, any occupant of a house or any other real property or of any part thereof, supplied with water from the said water works from furnishing water to others, or from using it otherwise than for his own use, or for increasing the supply of water agreed for, or from wasting it;

Supply of water
and payment
for it.

b. The corporation shall also have the power to make by-laws or orders, to regulate the time, the mode and nature of the supply of water from the said water works, to those to whom it ought to or shall be furnished, the price of the water, the time and mode of payment; and all and every matter or thing having reference to the said water works, which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the said city a regular and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the said corporation with regard to the water to be so supplied;

Preventing
frauds.

Inspecting
houses, &c.,
furnished with
water.

18. The said corporation shall have power to appoint one or more Inspectors empowered to enter, at all reasonable hours, into any house or building, and upon lands traversed by the water of the said water works, and to examine the cocks, pipes, service pipes, conduits, cisterns, reservoirs, or apparatus placed in such houses, buildings, lands and the dependencies thereof, and such entrances and examinations shall be regulated and determined by the by-laws for this purpose made, or

to be hereafter made, by the said corporation, and to which the said inspectors and all other persons residing either permanently or temporarily in the said city shall conform and submit, under such penalties as may or shall be fixed or prescribed by the said by-laws, and the fine in such case shall not exceed forty dollars, and the imprisonment shall not exceed two months in the common gaol in the District of Quebec; both these penalties may be imposed together, or one or the other only, at the discretion of the Court;

Penalty for
impeding
inspectors.

19. As soon as the corporation is ready to furnish water to the city or any part of the city, they shall declare it by a resolution of the city council, which resolution shall be published three times in one English and one French newspaper published in the said city, and after such publication all proprietors, tenants and occupants of houses or other immoveable property, within the said city, shall pay to the said corporation an annual rate or assessment not exceeding three cents in the dollar upon the assessed annual value of their houses or other immoveable property; and on all houses and other immoveable property in the said city to which the corporation is ready to supply the water of the said water works, whether the proprietors, tenants or occupants thereof consent or not to receive the said water, the corporation may levy and collect an additional annual rate or assessment not exceeding seven cents in the dollar upon the assessed annual value of the houses or immoveable property supplied with water, and this over and above any special rate or tax hereinafter provided for; the said rate or assessment shall be fixed by a by-law of the corporation;

Notice when
the corporation
is ready to
furnish water.

General water
rate thereafter.

Additional rate
on houses to
which water is
ready to be
supplied.

To be fixed by
by-law.

20. If the assessed annual value of any property, or part of any property, provided with water from the said water works shall be less than forty dollars, the proprietor, tenant or occupant shall pay to the corporation a fixed annual rate or assessment of five dollars as and for the price of the said water;

Least rate to be
\$5 per annum.

21. The said council, by one or more by-laws to be made as aforesaid, may impose a tax or special taxes on each horse, cow or other animal supplied with water from the said water works; or

Special rates
for water used
for certain
purposes.

b. On each steam-engine fed by the water of the said water works, and on each other engine worked by the said water; or

c. On each court house, gaol or other public establishment supplied with the water of the said water works; or

d. On each theatre in the said city; or

e. On each hotel, boarding-house, coffee-house, restaurant or other house of public entertainment in the said city to which the water of the said water works is supplied or may be supplied according to law; or

f. On all breweries, tanneries and other manufactories supplied with water for the purposes of their manufactures ;

Cutting off water for non-payment of rates.

22. In each and every case in which any tax or rate for water heretofore imposed by any by-law, or which may hereafter be imposed by the said council, by virtue of the preceding subsections, shall not have been paid within the thirty days following the day on which such tax or rate shall have become due and payable, the said council may order the stoppage or suspension of the supply of water to any such person, institution, establishment, house or building hereinabove mentioned, by whom the said tax or rate may be due ;

Rate still payable.

23. Notwithstanding the stoppage or suspension of the said supply, the said tax or rate shall continue to be due, in future, in the same manner as if the said supply were continued ;

Cost of cutting off.

24. The cost of stoppage or suspension of the said supply shall be paid by the person, institution or establishment in arrear aforesaid ;

Arrears from whom recoverable.

25. The arrears due as aforesaid shall be recoverable from each and every person, proprietor, occupant, tenant or administrator of any building to whom such water shall have been supplied as aforesaid ;

Jurisdiction of Recorder's Court.

26. The said costs, and each and every sum due to the said water works by virtue of the foregoing provision shall be recovered in the Recorder's Court of the said city, in the manner prescribed by this Act ;

As to buildings in which the consumption of water is greater than ordinary : agreement may be made.

27. The said corporation shall have the right to notify any proprietor, tenant or occupant of the brewery, distillery, manufactory, livery stable, hotel, or any building or property in which any steam-engine shall be used, or any building or property in which it shall be considered that there is, or ought to be, more than an ordinary consumption of water, that the corporation does not intend to furnish him with water from the said water works at the ordinary price, and thereupon the said corporation shall and may cease to furnish water to the said proprietor, tenant or occupant, who shall also cease to be held liable for the payment of the said rate or assessment with regard to such property ; but the said corporation and the said proprietor, tenant or occupant, may enter into an agreement, for any period not exceeding ten years, with respect to the rate or price at which the said water shall or may be furnished to the said property ; and any such agreement, being reduced to writing and signed by both parties, shall be valid and binding ;

Officers of Council may enter to see that the con-

28. The officers appointed by the council shall, at all reasonable times, have the right to enter upon the premises, in respect of which any such agreement has heretofore been made

or

or may hereafter be made, to see that the quantity of water stipulated for by the agreement and no more is furnished to the property, and the said council may, in their discretion, cause tanks calculated to contain such stipulated quantity and no more, to be erected on such property, and cause the same to be filled daily by their officers, and all further supply of water to be cut off from the premises ;

sumption is not greater than agreed upon.

29. The said council is hereby authorized to cause hydrometers to be placed for the purpose of regulating, determining and measuring the quantity of water to be supplied by the said water works, either to every house or building to which the said water is or may be supplied, or to every public institution, court-house, gaol, hotel, house of public entertainment of whatsoever nature, or boarding house ; or to every distillery, factory, manufactory, establishment, or art, trade, commerce or industry of any nature whatsoever, in the exercise of which the water of the water works is or may be used, or to any one of the same ; and the said council may for the purpose adopt any by-law which it may deem necessary ;

Council may cause hydrometers to be used for measuring the water consumed.

30. It may compel each and every proprietor, tenant or occupant of any house or building ; or each and every person, public institution, court-house, gaol, hotel, house of public entertainment of any nature whatsoever, boarding house, brewery, distillery, manufactory, art, trade, commerce or industry whatsoever, as aforesaid, to pay for the fitting up and rent of any hydrometer, such sum as may be determined by such by-law ;

And charge rent for such hydrometer.

31. The said corporation, after notice given during three months in two or more newspapers published in Quebec, and in the *Canada Gazette*, shall have the right to call in the debentures issued for or in respect of the said water works which may be due, and such debentures as shall not be so presented for payment within six months after the first publication of such notice, shall cease to bear interest on and after the expiration of the six months ; the said corporation may, however, renounce to the rights conferred upon it by the present clause in mentioning such renunciation in the debenture ;

Debentures for water works may be called.

Proviso.

32. If any person shall forge, alter or counterfeit any debenture aforesaid, or any stamp, indorsement or writing therein or thereon, or tender in payment or exchange for cash, or put in circulation any such debenture, forged, altered or counterfeited, as aforesaid, knowing that it is so forged, altered or counterfeited, or that any stamp, indorsement or writing upon or on such debenture is forged, altered or counterfeited, with intent to defraud, shall, upon conviction before a court having competent jurisdiction, be condemned, at the discretion of the said court, at hard labor in the Provincial Penitentiary, for a period not less than two years, or in any other prison or house of correction for a period not exceeding two years ;

Punishment for forging debentures, &c.

Application of revenues from water works.

33. The revenues of the said water works shall be applied to the payment of the costs of maintenance, and current expenses and the interest of the said water works debentures, and the balance shall form a fund, separate and distinct, to extinguish the capital of the said debentures, after which extinction the revenues of the water works shall form part of the general funds of the city ;

Certain accounts to be kept by the corporation as regards the water works.

34. The corporation shall keep separate and distinct accounts of the receipts and expenses of the said water works, and shall cause them to be audited by the auditors named in virtue of this Act, and at the same time and as often as the corporation is bound to audit the general accounts of the said corporation ; the corporation shall also publish after the first day of May in each year, in a French newspaper and in an English newspaper in the said city, a statement shewing :

Items of such accounts.

a. The amount of the revenues and profits of the said water works ;

b. The number of persons supplied with water ;

c. The extent and the value of the movable and immovable property belonging to the corporation for the purposes of the said water works ;

d. The amount of debentures issued and unpaid, and the interest paid during the year or remaining due ;

e. The expenses of collection and management and other contingencies ;

f. The salaries of officers and servants employed for the purpose of the said water works ;

g. The costs of repair, amelioration and alteration of the said water works ;

h. The price paid for any real property bought, and the amount received or to be received for any real property sold, in a word, a statement giving a full and perfect knowledge of the affairs of the said water works ;

Limitation of suits for things done under this Act ; provisions for protection of defendant.

35. All actions or suits against any one whomsoever, for anything done under this section, respecting the Water Works shall be instituted within six months after the commission of the act or thing done, or in case of damages, within six months after the damage shall have been done, and the defendant may plead the general issue, offer the present Act in proof, and allege that the act or thing was done under the authority of the present Act, and if this shall appear to be the case, or if the action shall have been brought after the delay fixed by this subsection, judgment

judgment shall be rendered in favor of the defendant, with treble costs against the plaintiff, who shall also be bound to pay them in case where he shall make default, or discontinue the action or suit, and such costs shall be levied in the ordinary way ;

36. And whereas difficulties have arisen as to the correct interpretation of the words "occupied house and store" in the Acts relating to the water works of the said City : it is hereby declared and enacted that the words "occupied house or houses" in the section of this Act, relating to the water works, and in the by-laws of the Council of the said City, have signified, do signify, and shall signify any house occupied as a dwelling or for any other purpose whatever, except as a store ; and the words "store and other similar buildings" in the said Act and By-laws have signified, signify, shall be held to and will signify in the said section of this Act, any building whatever used for the storage and sale by wholesale only of merchandize and effects, notwithstanding any matter, thing or enactment contrary thereto in the said Act, Section or By-laws contained ; but nothing herein contained shall be considered to affect in any manner any judgment or decision rendered or contract entered into prior to the passing of this Act.

Doubts as to the interpretation of certain words removed.

Proviso.

RESPECTING THE FINANCES OF THE CITY.

37. The fiscal year shall commence on the first day of May and shall end on the thirtieth day of April in each calendar year, both days inclusive, and the assessments, rates, taxes and duties imposed and levied each year shall be held and considered as being for that period :

Fiscal year.

2. It shall be the duty of the corporation, or the proper officers or servants thereof, forthwith and as soon as possible after the passing of this Act, to prepare an estimate of the expenditure necessary to be made for interest, sinking fund, and all other requirements of the city up to the first day of May next, and forthwith to impose such rate or rates as may be requisite and necessary in addition to the rate or rates in the assessment Books for 1865 to meet such expenditure, and to collect the same as in and by this Act is directed and provided ;

Estimate of expenditure for interest, sinking fund, &c., to be made, and rate imposed.

3. It shall be the duty of the council of the said city to make every year, on or before the first day of May, an appropriation of the amounts necessary to meet the expenses of the year then next by providing—

Appropriation to be made to meet such expenditure.

a. For the payment of the interest, and sums required for the sinking fund on all the debt due by the said city ;

b.

b. For the general and ordinary expenses of the city ;

c. For the sums required for contemplated improvements for which no special assessment is required ;

d. For a reserve of not less than five per centum to meet unforeseen expenditure ;

Amount,
limited.

4. Such appropriation shall never exceed the amount of the receipts from the preceding year, added to the balance of the said receipts which shall not have been expended ;

Appropriation
not to be ex-
ceeded.

5. It shall not be lawful for the said council to expend beyond the amount so appropriated, and the amount of the other sums at their disposal, out of the receipts of the current year, except in cases and under the conditions hereinafter set forth, but the council may, by a vote of two-thirds of their number, at any time vary the application of the sums set apart for improvements, and make use of the amount reserved for unforeseen expenditure ;

Exception.

New bonds
may be issued
to pay those
falling due.

6. The corporation shall, nevertheless, have power to issue new bonds for the purpose of meeting or paying off an equal amount of bonded indebtedness falling due at any time, subtracting therefrom the proportion of the sinking fund applicable to such maturing bond, but not in any way to increase the amount of their debt ; provided that any new bond so to be issued shall express on the face of it, that it is so issued for the purpose of renewing or meeting the amount of some other bond to be designated on such new bond to be so issued ;

Proviso.

Provision for
urgent cases.

7. In cases of urgent necessity, the said council may, by a majority composed of at least two-thirds of the members composing the same, pass a By-law to make any appropriation they may think necessary beyond the amounts at their disposal, provided, that by such By-law an additional tax shall be imposed, payable during the course of the year in which such By-law is dated, and sufficient to cover the amount so appropriated, which said tax shall be levied and assessed on all real estate in the said city ;

Excess recover-
able from
councillors, not
from the city.

8. No debt contracted by the said body corporate, beyond the amount of the receipts from the preceding year added to the balance of former receipts, which shall not have been expended, shall be recoverable from the said body corporate, but the same may be recovered from the member or members of the corporation personally, who authorized the incurring of the said debt ;

Liability of
Treasurer.

9. If the City Treasurer or other person pay any such debt out of the funds of the corporation, he shall be personally liable to repay the same into the funds of the corporation ;

10. Any Elector of the said body corporate may take proceedings in the Superior Court sitting at Quebec, to recover the amount for which the Mayor, Members of Council, or Treasurer, or other person referred to in the foregoing subsections shall be liable, and the said Court shall, if the facts be proved, pronounce judgment ordering the amount for which such Mayor, Member of Council, City Treasurer or other person is liable, to be paid over to the proper officer of the said body corporate to form part of the funds thereof, with costs, provided always that such proceedings shall not be taken before such Elector shall have deposited the sum of one hundred dollars with the Prothonotary to meet the costs should he fail in such suit;

Who may sue the members of the Council on such liability.

Proviso.

11. The mayor and members of the Council who shall have sanctioned the expenditure of any sum of money beyond the amounts appropriated and the amounts at their disposal, in conformity with subsections three, four and five of this section, shall alone be personally responsible therefor;

What members only responsible.

12. The mayor and members of Council who shall have sanctioned the expending of any sum of money beyond the amounts appropriated and the amount at their disposal in conformity with the last mentioned subsections of this section, and the officer who shall pay the same shall be guilty of misdemeanor;

Sanctioning excess to be a misdemeanor.

13. The city treasurer shall alone have the right to make payments in the name of the corporation, but he shall only do so upon a written order of the council, signed by three or more of its members and countersigned by the city clerk, or in virtue of a judgment or order of a court of justice, or in any case in which such payment is formally enjoined by some express provision of law;

Treasurer only to pay monies.

14. No Justice of the Peace shall have the right to order payments out of the funds of the corporation;

J. P's. not to order payments.

15. For the purpose of meeting the floating and other debt, in Schedule L to this Act annexed; and for no other purpose whatever, it shall be lawful for the said corporation to issue bonds payable in currency in this Province, in such sums, not less than four hundred dollars each as shall be thought expedient, but so as that the whole amount of such bonds shall not exceed four hundred and fifty thousand dollars; Such bonds shall be payable in five years after the date thereof, and bear interest at a rate not exceeding seven per cent. per annum; the holders thereof shall have the same remedy, and the like recourse for the recovery of the interest thereon as is in this Act, provided with reference to the bonds mentioned in schedule L;

Bonds for floating debt mentioned in schedule L.

Conditions of Remedy for.

Proceeds not to applied to any other purpose, &c.

16. Such bonds or the proceeds of such bonds shall be applicable to no other purpose whatever than to pay off an amount equal to the face thereof of such floating debt; and any person engaged in or authorizing the issuing of such bonds, or applying the same or the proceeds of any part thereof to any other purpose whatever, shall be liable, both civilly and criminally, in the same way and to the like extent as is now provided with reference to the expenditure of money by the Mayor and members of the Council in excess of the appropriations provided for by law, and as is now provided in the present section of this Act; such bonds shall express on the face of them the total amount of the loan and the Act under which and the purpose for which they were issued;

Corporation may call in debentures due.

17. The corporation may demand the presentation of every debenture the capital of which is due, by giving notice in the *Canada Gazette* and in an English and French newspapers published in the city of Quebec, during six months consecutively, after which time the Corporation shall not be obliged to pay the interest which would otherwise become due on such debenture;

Sinking Fund, provisions not affected.

18. Nothing in this Act contained shall affect or be construed to do away with, lessen, or impair the obligation of the corporation and the various officers and servants thereof to provide for and maintain the Sinking Fund, for the payment of its debts as now by law provided, but on the contrary all the provisions of law now existing shall remain in as full force, virtue and effect, and as obligatory as if this Act had never been passed;

Sum to be added yearly to the Sinking Fund by the Treasurers.

19. It shall be the duty of the City Treasurer before the first day of October in each year to take out of the annual revenue of the city, after the payment of interest on all its bonds, before any other appropriation, a sum equal to two per centum on the amount of the consolidated debt at such period; the said sum of two per centum shall be added each year to the sinking fund of the consolidated debt, with the interest of such fund, which fund shall be applied to the purchase of debentures of the Provincial Government, or in stock of chartered banks of this Province, or of corporations of this Province, or in redemption of the existing debentures of the corporation by the purchase thereof, but the power of the corporation to issue other debentures or increase its debt, shall not in any way be increased in consequence of this provision;

Investment thereof.

Penalty for default.

20. If the City Treasurer shall fail or omit to do any of the things prescribed to be done by him in the seven clauses immediately preceding, he shall be liable to a fine of six hundred dollars currency;

Hypothec for water work debentures.

21. Holders of water works debentures have the first mortgage or hypothec upon the said water works and everything connected

connected therewith, for the repayment of the capital and interest of such debentures ; this hypothec does not require to be registered ;

22. Nothing in this Act contained shall impair, affect or restrict the rights, privilege or priority of the holder of any debentures already issued either for the construction of the water works any or for any other special or general purpose, in respect of any priority, privilege or security they may at present hold or which is given to them by the several Acts under which such debentures may have been issued, but on the contrary, the holders of all such debentures shall continue to hold, possess and exercise all the privileges, rights and priorities which they were possessed of or which they might have exercised without this Act had been passed, and the special facilities and powers herein conferred on the creditors are and shall be held to be cumulative, and in addition to any right which they might now exercise, either in respect of the revenues of the water works or otherwise ;

Act not to affect order of priority of holders of debentures.

23. The City Treasurer shall not receive any debentures of which the payment is due, or any coupons for interest due on such debentures in payment of any amount due to the city, for any object or purposes whatsoever, excepting as in the next subsection provided ;

For what payments only coupons may be received.

24. But the City Treasurer may receive water works debentures of which the payment is due, or coupons for interest due on the debentures, in payment of amounts due to the city as aforesaid, and the holder of these debentures in making such payment, shall inscribe his name upon the said debentures, and indicate the day, month and year in which such payment took place, and credit shall be given to the said Treasurer in his account with the corporation, for the interest so paid by him upon the said debentures, up to the day so indicated ;

The said purposes defined.

25. And whereas the Treasurer of the city did, in the month of July last, give notice that a special rate of seven pence half-penny (twelve and a half cents) in the pound was requisite to provide for the interest then about to fall due on the Bonds and Debentures of the Corporation, and doubts exist respecting the legality of such special rate, and it is expedient that all doubts in that respect should be removed : It is enacted and declared that the special rate of seven pence half-penny in the pound, notice of the imposition of which was given by the Treasurer of the City of Quebec on the fourth day of July last, is hereby declared to be legal and valid, and that all proceedings heretofore taken for the collection of the said rate by the Treasurer of the city, are hereby declared to be legal and valid, and payment of the said special rate may be enforced by the said Treasurer in the same manner as the payment of all other rates and assessments, may be enforced under the provisions of this Act ;

Special rate imposed in July last confirmed.

Quebec Bank on receiving debentures under this Act to deliver up certain others to be cancelled.

26. So soon as the Quebec Bank shall have received from the Corporation, Debentures issued under the present section of this Act for the full amount which is due and owing by the Corporation to the said Bank, the said Bank shall be bound immediately to deliver up to the Corporation the Debentures now held by the said Bank as security for the said debt, as well as any other securities it claims to hold, and it shall be the duty of the Corporation, on receiving such debentures back, to cause them to be cancelled by the City Treasurer in the presence of the Mayor and two or more members of the Council, and a minute of such cancellation shall be prepared and signed by the Mayor and the members present thereat and deposited in the archives of the Council.

PENAL CLAUSES.

Fines and penalties under this Act, how recoverable.

38. All fines and penalties imposed by this Act, or by the provisions of the by-laws, rules or orders of the City Council, which are now or may hereafter be in force in the said city, or by any other provisions or other by-laws and rules which now are or may hereafter be in force in the said city, shall be recovered before the said Recorder's Court with costs, by payment of the said fine or penalty and costs, either immediately or within such delay as shall be granted by the said Court, and in default of immediate payment (within the said delay,) of the said fine or penalty and costs, the party against whom the said judgment shall have been rendered, shall be imprisoned in the common gaol of the district of Quebec, at hard labor, in the discretion of the said court, for a period not exceeding two months, unless such fine and penalty with costs of commitment be sooner paid; anything in the said by-laws, rules or orders, to the contrary notwithstanding, or unless specially otherwise provided for by this Act:

Imprisonment in default of payment.

If the offender be a corporation, society, &c.

2. But in all cases in which a fine has been incurred by a corporation, association or society recognized by law, such fine and costs shall be levied by the seizure and sale of the goods and effects of the said corporation, association or society, in virtue of a writ of execution issued from the said court; and proceedings shall be had upon the said writ in the manner prescribed for seizure and execution in civil matters;

Liability of joint owners, &c., in certain cases.

3. Any one or more joint owners or occupiers of any lot, house or premises, or other real property in the said city, complained of for violation of any by-law of the said council, now or hereafter to be in force, bearing upon the said joint owners or occupiers, or upon the said lot, house or premises, or other real property in any manner whatsoever, by reason of nuisances committed thereon, or other offences of what nature soever against the provisions of any by-law of the said council, may be sued alone or conjointly in the said Recorder's Court, as may be deemed advisable, as also the agent or agents of the

said joint owners or occupiers, or any one of them; and in the suit to be instituted, it shall be sufficient to mention in the name of one of the owners, occupiers or agents, with the addition of the words "and others," and the oral testimony of such ownership or occupancy, whether sole or joint, or of such agency shall be deemed sufficient; any law, usage or custom, to the contrary notwithstanding;

4. And the said corporation, or any municipal elector may institute any proceedings for that purpose in the name of *The Corporation of the City of Québec*, as provided in the next subsection;

Who may bring the suit.

5. All actions instituted by the corporation in virtue of the present Act or any other Act relating to the said City of Québec, or of any by-law, rule, order or regulation in force in the said city, shall, when the fine and penalty belongs to the corporation, be brought in the Recorder's Court of the City of Québec and not elsewhere, in the name of *The Corporation of the City of Québec*;

Suits to be in the name of the City.

6. All fines and penalties sued for, imposed, levied or recovered in the said Recorder's Court, under and by virtue of any statute, now or hereafter to be in force, shall belong to and form part of the general fund of the said city; any law to the contrary notwithstanding;

Application of proceeds.

7. To the council alone shall appertain the right of remitting the whole or part of any fine belonging to the said city; as well as of the costs of the suit occasioned by the prosecution for the said fine;

Council only may remit fines.

8. This remission shall be made, in each case, by a simple resolution adopted by the majority of the council, on a petition presented to the said council, for that purpose, by the persons asking for such remission, and not otherwise;

In what manner.

9. The Mayor or any member of the said council who shall infringe the provisions of the two next preceding subsections, or any officer of the said council who shall receive any sum due to the said council, without the costs which shall have been incurred at the time of the payment of the said sum, shall incur a fine not exceeding twenty dollars for each offence, which shall be sued for and recovered before the said Recorder's Court, as hereinabove set forth;

Penalty for infringing the last two clauses.

10. Any remission of any fine, or of any sums or costs, in violation of the provisions of this section, shall be considered as null and of no effect, to all intents and purposes whatsoever;

Any other remission to be void.

11. Whenever in the present or any other Act relative to the said city, or in any by-law, rule or order as aforesaid, imprisonment

Imprisonment—where.

imprisonment is imposed, such imprisonment shall be understood to be in the common gaol of the district of Quebec ;

False swearing;
perjury.

12. Any person who shall wilfully swear falsely with respect to any oath prescribed by this Act, shall be guilty of perjury, and shall be liable to the pains and penalties of wilful and corrupt perjury ;

Jurisdiction of
Recorder and
his court in cer-
tain matters.

13. The Recorder's Court and the Recorder of the said city, with respect to all civil matters and proceedings within the jurisdiction of the said court, both as regards actions *en garantie*, incidental demands or demands in intervention, and also as regards opposition to executors issued out of the said court, and other matters and things relating to any civil action, instance or proceeding within the jurisdiction of the said court; or in cases of *rebellion à justice*, or of removal of his property and effects by any defendant, or in relation to the power of taking any affidavit in any civil cause, instance or proceeding now pending, or hereafter to be brought in the said court, shall have, within the limits of the jurisdiction of the said court, all and every the powers enjoyed in such cases by the ordinary courts of civil jurisdiction in Lower Canada and by the judges thereof ;

By-laws pre-
sumed to have
been properly
passed, &c.

14. In any action, proceeding or complaint by the said corporation, it shall not be necessary to allege or to prove that the formalities required for the passing of a by-law have been observed, nor that any by-law has been transmitted to the Governor, but the observance of the said formalities, and the said transmission shall be presumed until proof to the contrary be shewn.

INTERPRETATION—ACTS REPEALED, &C.—EXISTING RIGHTS
SAVED.

Trinity House.

39. This Act shall not in any manner affect the powers and authority of the Trinity House of Quebec, but the said Council shall exercise exclusive jurisdiction over the whole limits mentioned in the third section of the present Act :

The Queen:

2. This Act shall not affect in any manner the rights of Her Majesty, Her Heirs and Successors ;

Interpretation.

3. Whenever the following words occur in this Act they shall be understood as meaning as follow :

Governor.

4. The word " Governor " shall mean the Governor General of the province of Canada, or the person administering the government thereof ;

Council, City
Council.

5. The words " Council," " City Council," shall mean the council of the corporation of the City of Quebec, unless the context necessarily or plainly indicates a different meaning ;

6. The words "Mayor," "Alderman," "Aldermen," "Coun- Mayor, &c.
cillor," "Councillors," "Members of the Council," "Trea-
surer," "City Treasurer," "Clerk," "City Clerk," shall mean
that the same are respectively the Mayor, Aldermen, Coun-
cillors, Members of the Council and the Treasurer and Clerk of
the Corporation of the City of Quebec;

7. The words "Corporation," "said Corporation," shall Corporation
mean the Corporation of the said City of Quebec;

8. The words "Recorder's Court," shall mean the Recorder's Recorder's
Court of the City of Quebec; and the words "Recorder," Court.
"said Recorder," shall mean the Recorder of the City of
Quebec;

9. The word "Act," shall also mean and comprehend the Act.
word Ordinance;

10. The words "City," or "said City," mean the Corpora- City.
tion of the City of Quebec, in conformity with the provisions of
this Act;

11. All words employed in the singular number, or in the Singular num-
masculine gender only, shall mean one or more matters and ber.
things of the same kind, and one or more persons, men and Gender.
women; and bodies corporate, as well as private individuals,
unless the contrary shall be specially stated, or that the context
plainly or necessarily conveys a different meaning; and the
word "shall," shall be considered imperative, and the words
"shall not," shall be prohibitory, and the word "may," shall
be permissive;

12. The following Acts and Ordinances are hereby repealed, Acts repealed.
to wit: The fourth Victoria, chapter thirty-one; fourth Victoria, 4 V. c. 31.
chapter thirty-five; eighth Victoria, chapter sixty; ninth Vic- 4 V. c. 35.
toria, chapter twenty-two; tenth Victoria, chapter one hundred 8 V. c. 60.
and thirteen; thirteenth and fourteenth Victoria, chapter one 9 V. c. 22.
hundred and thirty-one; fourteenth and fifteenth Victoria, 10 V. c. 113.
chapter one hundred and thirty; sixteenth Victoria, chapters 13, 14 V. c. 131.
one hundred and twenty-nine and two hundred and thirty-two; 14, 15 V. c. 130.
eighteenth Victoria, chapters thirty, thirty-one and one hundred 16 V. cc. 129,
and fifty-nine; nineteenth Victoria, chapter sixty-nine; 232.
twentieth Victoria, chapter one hundred and twenty-three; 18 V. cc. 30, 31,
and fifty-nine; nineteenth Victoria, chapter sixty-nine; 159.
twentieth Victoria, chapter one hundred and twenty-three; 19 V. c. 69.
twenty-first Victoria, chapter one hundred and twenty-three; 20 V. c. 123.
twenty-second Victoria, (1858), chapter thirty; twenty-second Victoria, 22 V. c. 30, 63,
(1859), chapters thirty and sixty-three; twenty-third Victoria, 23 V. c. 68.
chapter sixty-eight; and twenty-fifth Victoria, chapter forty-five; 25 N. c. 45.

13. The repeal of the Acts and Ordinances mentioned and Saving clause
recited in the next preceding subsection shall not be understood as regards effect
as affecting any matter or thing done, or required to be done, of such repeal.
debentures, promissory notes, or obligations issued, or by-laws,
rules or regulations made under and by virtue of the said Acts
and

and Ordinances, but the said matters and things, debentures, promissory notes, obligations, By-laws, rules, regulations and orders, and the obligations of the Corporation, and every officer and servant in respect of the same, and the sinking fund to be provided, shall continue to be regulated by the said Acts and Ordinances in the preceding clause, until they shall be changed, altered, replaced or repealed, by any proceeding adopted in virtue of the present Act, in which case all such matters and things, debentures, promissory notes, obligations, rules, by-laws, regulations and orders, as the case may be, shall be regulated and controlled by the present Act;

Certain debentures, notes, &c., By-laws, &c., to remain in force.

14. Any matter or thing done, debentures, promissory notes and obligations issued, and all by-laws, rules or orders, now in force in the City of Quebec, and made in conformity with the Acts incorporating or relating to the incorporation of the said city, shall continue, and do continue in full force and effect, to all intents and purposes, the same as if the present Act had never been passed, until they shall be legally altered, amended, replaced or repealed, as the case may be, in virtue of the present Act;

Corporation continued uninterruptedly.

15. Nothing in this Act contained shall be construed to dissolve the corporation composed of the inhabitants of the City of Quebec as heretofore existing under different names; but the same shall be held and deemed to continue to exist by the name given to it in this Act, and subject to the provisions of this Act, being one and the same corporation with the corporation of the City of Quebec;

Acts repealed by repealed acts, to remain repealed.

16. All Acts and parts of Acts repealed by the Acts and Ordinances hereby repealed, and recited in the twelfth subsection of this section of this Act, shall be and remain repealed; and all Acts and parts of Acts and Ordinances inconsistent with the provisions of this Act shall be, and are hereby repealed.

Public Act.

40. This Act shall be deemed a Public Act.

SCHEDULE A.

I.

Oath of allegiance to be taken by the Mayor, Alderman and City Councillors:—

I, A, B., sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, (or reigning Sovereign) lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province as a dependency of the United Kingdom, and attached thereto, that I will defend

defend Her to the last of my power against all conspiracies and treasons or designs whatever, that may be made against Her person, Her Crown and dignity, and that I shall use my utmost endeavors to disclose and make known to Her Majesty, Her Heirs and Successors, all conspiracies, treason or traitorous designs that I shall know to exist against Her, or any of them; All this I swear without equivocation, restriction or mental reservation whatever, and renouncing all pardons and dispensations from any person or persons whatsoever to the contrary. So help me, God.

I, A, B., having been elected Mayor, (*Alderman or City Councillor, as the case may be,*) for the City of Quebec, solemnly and sincerely promise and swear that I will faithfully fulfil the duties of the said office according to the best of my judgment and ability, and that I am seized and possessed for my own use, of real estate, in the said City of Quebec, after the payment or deduction of my just debts, of the value of five hundred pounds currency, and that I have not fraudulently or collusively obtained the same, or a title to the same, to qualify me to be elected Mayor, (*Alderman or Councillor, as the case may be.*) So help me, God.

II.

Oath to be taken by voters :—

I swear that my name is (*here insert or give the name*) and that I am the person named in the copy of the voters' list of electors for Mayor and Alderman (*or Councillor, as the case may be*) for (*here name the ward*) Ward of the City of Quebec, for the municipal elections, which is now shewn me; that I am duly qualified, and that I have not voted at this election in this ward, and that I have not received, either directly or indirectly, any money, note, or promise, nor obtained any place or employment, and that my taxes, assessments, or rates have not been paid, in whole or in part, by any person, to induce me to vote for any candidate at this election, and that I am twenty-one years of age. So help me, God.

SCHEDULE B.

Oath to be taken by Poll-Clerk :—

I, A, B., swear that I will faithfully, punctually and impartially, to the best of my ability, fulfil the duties of Poll-Clerk, at the election of an Alderman or Councillor, (*as the case may be,* for (—),) of this city, (*or of a Mayor of the said city as the case may be,*) which election shall commence and be held on the (*name the day*). So help me, God.

SCHEDULE C.

Oath to be taken by the Presiding Officer :—

I, the undersigned A. B., a member of the council, named by the city council of the City of Quebec, to preside at the voting in (*name the ward*) of the City of Quebec, swear that the present Poll-Book has been faithfully and accurately kept as required by law. Signed at Quebec this (*here name the date*.)

SCHEDULE D.

I.

Oath of allegiance by the Assessors :—

(This oath the same as Schedule A.)

II.

Qualification oath by Assessor :—

I, A. B., having been appointed Assessor for the City of Quebec, sincerely and solemnly swear that I will faithfully discharge the duties of the said office to the best of my skill and ability, and that I am seized and possessed, for my own use, real and personal, or both, in the City of Quebec, after payment or deduction of my just debts, of the value of two hundred and fifty pounds currency; and that I have not obtained the same either fraudulently or collusively in order to qualify myself to be appointed Assessor. So help me, God.

SCHEDULE E.

I.

Oath of allegiance by the Auditor :—

(Same as Schedule A.)

II.

Qualification oath by Auditors :—

I, A. B., having been named Auditor for the City of Quebec, sincerely and solemnly swear that I will faithfully discharge the duties of that office, to the best of my skill and ability. So help me, God.

SCHEDULE F.

I.

Oath of allegiance by Policemen :—

[Same as oath in Schedule A.]

II.

Oath of office by each member of the Police Force :—

I, A. B., of the City of Quebec, having been appointed a member of the Police force of the said City, sincerely and solemnly swear, that I will faithfully discharge my duties as a member of the Police Force, to the best of my skill and ability. So help me, God.

 FORM G.

Public notice is hereby given that the Assessment Roll of the City of Quebec, for the _____ ward of the said City, (or the supplementary roll of Assessment for the ward of the city) is completed and is now deposited in the office of the undersigned, _____ All persons whose names appear therein as liable for the payment of any assessment, tax or duty, are hereby required to pay the amount thereof to the undersigned at his said office, within ten days from this day, without further notice.

Sheriff or City Treasurer.

Quebec, (date).

FORM H.

CORPORATION OF QUEBEC.

CORPORATION OF QUEBEC.

Mr.

Mr.

COPY OF ACCOUNT.

To the Corporation of the City of Quebec,

Notice Served, \$

To Assessments, &c., or Water Rates, &c.

(Date of Notice.)

(Here State Account.)

Costs,

SIR,

Notice,

Take notice that, having failed to pay the above mentioned sum within the time prescribed by public notice, you are hereby required within fifteen days from the date hereof, to pay the same to me at my office, together with the costs of this notice and service thereof, as below, in default whereof, execution will issue against your Goods and Chattels.

Quebec, date.)

Costs, (Signature.)

Notice,

City Treasurer,
(or Sheriff.)

FORM II.

Public notice is hereby given that on _____ next, the day of _____ instant (or next), the goods and chattels of the parties hereinafter named and designated now under seizure for non-payment of assessments (or other dues, as the case

case may be) will be sold by public auction at the hour and places hereinafter mentioned, to wit :—

Names.	Amount.	Place of Sale. No. Street.	Hour of Sale.

Quebec (date).

(Signature)

Sheriff.

FORM J.

Province of Canada, }
 City and } In the Recorder's Court of the City
 District of Quebec. } of Quebec.

The Recorder of the City of Quebec

Debt	\$	
Costs Warrant	\$	

To any Bailiff of the Recorder's Court of the City of Quebec, in the said City and District of Quebec.

Whereas, A. B., (*name and designation of debtor*), hath been required by the Treasurer of the said City of Quebec, to pay into his hands for and on behalf of the said city, the sum of
 being the amount due by him to the said city, as appears by the collection-roll of the said city for the year 18 ; and whereas the said A. B. hath neglected and refused to pay unto the said Treasurer, within the period prescribed by law, the said sum of ; these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B.; and if within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress shall not be paid, that then you do on such day as shall be indicated to you by the said Treasurer, sell the said goods and chattels so by you detained, and do pay the money arising from such

such sale unto the Treasurer of the said city, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to law doth appertain.

Given under the hand of the Clerk
of the said Recorder's Court, at
Quebec aforesaid, this
day of in the year of
Our Lord

T. X.,
Clerk, of the
Recorder's Court.

FORM K.

“ I having been appointed Commissioner under
“ the thirty-fifth section of the (*cite the Act*) do swear that I will
“ faithfully, impartially, honestly, and diligently execute all
“ the duties of the said office according to the best of my judg-
“ ment and ability. So held me God.”

SCHEDULE L.

STATEMENT of Amount due by the Corporation of the City of Quebec, 31st August, 1865, as floating debt, for which the issue of Bonds is authorized.

To Amount of Debentures authorized by Acts of Parliament to be issued :			
16 Victoria, Chap. 232.....	\$ 600000 00		
18 do do 31.....	200000 00		
22 do do 59.....	300000 00		
	\$1100000 00		
Amount issued according to Corporation Debenture Book, \$1154696 66.			
Over issue		\$ 54696 66	
Bills payable as per Bill Book	39920 05		
Capital of Ground Rent payable annually	11023 60		
Amount due Quebec Bank as per account.	226431 00		
Amount of interest to the Municipal Loan Fund, 18 months, to 1st July last	6090 00		
Amount of Judgment rendered against Corporation for arrears of Jail and Jury Fund	4000 00		
Amount of interest due to Bondholders in Canada, 1st July last.	14563 00		
		302027 65	
WATER WORKS DEPARTMENT.			
To Amount of Water Works Bonds over issued as per Schedule.....		\$356724 31	
Amount of Bills payable as per Bill Book		16880 00	
To meet deficit for current year up to 1st January, 1866.....		9305 24	
		67090 34	
		\$450000 00	

E. & O. E.

Quebec, 31st August, 1865.

L. E. DORION,

Book-keeper.

STATEMENT of City and Water Works Debentures due 31st August, 1865.

CITY DEBENTURES DUE IN QUEBEC.

Numbers.	Date.	When due.	Amount.	Total.
1.....	1st Jan., 1849.	1st Jan., 1852	\$ cts.	\$ cts.
1580, 1711.....	1st Jan., 1864.	" 1865.	.....	400 00
620, 621, 622, 623, 617, 618, 619, 620, 624, 1516, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529.....		1st Jan., 1866.	.....	24500 00
605, 636, 637, 638, 639, 711, 771, 772, 1536, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1552, 1553, 1554, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1555, 1570, 1571, 1572, 1578, 1610, 1611.....		1st Jan., 1867.	.....	72140 00
974, 975, 976, 977, 978, 979, 980, 981, 1007, 1006, 1674.....	} 1674.....	1st Jan., 1868.	16000 00	18000 00
		1st July, 1868.	2000 00	
1463, 1055.....		1st Jan., 1869.	.....	1300 00
607, 614, 1511.....		" 1870.	.....	3800 00
625, 626, 627, 628, 629, 1600, 1601, 1602, 1602, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1603, 1604, 1605, 1606, 1607, 1608, 1613, 1614.....		1st Jan., 1872.	.....	54100 00
209, 210, 211, 212, 213, 214, 215, 220, 1615, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686.....		1st Jan., 1873.	.....	132300 00
1680, 1681, 591, 592, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1701, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1712, 1713.....		1st Jan., 1874.	.....	70800 00
593, 615, 616, 1715, 1716, 1717, 1718, 1757.....		1st Jan., 1875.	.....	62800 00
1010, 1011, 1012, 1013, 1014.....		1st Jan., 1878.	.....	2000 00
1703, 1704, 1705, 1706, 1707, 1708, 1719, 1720, 1721, 1729, 1730.....		1st Jan., 1879.	.....	16600 00
Carried over.....			\$468740 00	

STATEMENT of City and Water Works Debentures.—Continued.

CITY DEBENTURES DUE IN ENGLAND.

				Brought over.....	
16 Vic., c. 232	Nos. 254 to	265	18th June, 1853	1st Nov., 1873	± 15000 0 0
	" 340 "	590	15th Sep., 1853	" "	25000 0 0
18 Vic., c. 31	" 640 "	649	3d March, 1857	" 1876	5000 0 0
16 "	" 650 "	659	" "	" "	5000 0 0
18 "	" 660 "	684	" "	" "	2500 0 0
16 "	" 685 "	709	" "	" "	2500 0 0
16 "	" 711 "	719	13th April, 1857	" "	5000 0 0
18 "	" 720 "	770	" "	" "	5000 0 0
16 "	" 773 "	797	23rd May, 1857	" "	12500 0 0
16 "	" 798 "	922	" "	" "	12500 0 0
18 "	" 923 "	947	1st June, 1858	" 1877	2500 0 0
18 "	" 948 "	952	" "	" "	2500 0 0
18 "	" 953 "	954	22nd July, 1858	" "	1000 0 0
18 "	" 955 "	958	23rd Oct., 1858	" 1878	2000 0 0
22 Vic., c. 69	" 1060 "	1166	13th May, 1859	1st May, 1879	16700 0 0
22 "	" 1225 "	1289	" "	" "	16250 0 0
22 "	" 1311 "	1342	" "	" "	16000 0 0
				Sterling...£	140950 0 0
Exchange at 9½ is, Prov. currency					\$1154696 66

WATER WORKS DEBENTURES DUE IN QUEBEC.

					\$ cts.
967, 968, 969, 970, 971, 972,	8th & 11th Nov.,				
973, 974	1861	1st Nov., 1867			16800 00
975, 976, 977, 978, 850	17th Dec., 1855	" 1865			1600 00
1, 2, 3, 4, 9, 11, 13, 16, 20, 21,					
22, 23, 24, 25, 26, 27, 28,					
29, 453		" 1870			46800 00
979, 980, 981, 982, 983, 984		" 1871			6000 00
987, 988, 989		" 1872			6000 00
562, 563, 564, 565, 566, 567,					
990, 991, 992, 993, 994		" 1873			14953 33
568, 569		1st May, 1875			3000 00
985, 986		1st Nov., 1877			8000 00
					\$108153 33

WATER WORKS DEBENTURES DUE IN ENGLAND.

38, 39, 40	28th Nov., 1851	1st Nov., 1870	£ 4100 0 0	
49 to 456.....	3rd Feb., 1852	“ “	82200 0 0	
457 to 561.....	16th June, 1858	“ 1873	40000 0 0	
570 to 709	26th May, 1855	“ 1875	30000 0 0	
710 to 849	17th Aug., 1855	“ “	30000 0 0	
851 to 950.....	1st July, 1856	1st May, 1876	22000 0 0	
			£ 208300 0 0	
	Exchange at 9½ is, Provincial Currency.....			\$1013726 67
				\$1116880 00

E. & O. E.

AUG. GAUTHIER,

City Treasurer.

Quebec, 31st August, 1865.

L. E. DORION,

Book-keeper.

DR. The Quebec Bank in account with the Quebec Corporation. CR.

To amount of deposit. Special Fund, Debent. acct	\$46190 22	By amount overdrawn, Corporation General Fund...	\$248968 64
Interest from 1st June to 30th September, at 4 per cent.....	617 56	“ Interest Reserve Fund...	17945 49
Balance.....	226431 05	“ 122 days interest on Gen. Fund overdrawal*.....	5752 94
		“ 71 days interest on Interest Reserve Fund \$29092	396 15
		“ 51 “ “ 17945	175 61
	\$273238 83		\$273238 83
		Balance.....	\$226431 05

* Memorandum of Interest.

12 days on.....	\$236526 17
17 “	241863 35
1 “	245100 73
13 “	245100 73
18 “	247100 73
10 “	247100 73
21 “	248968 64
30 “	248968 64—\$5752 94

E. & O. E.

WILLIAM RHIND,
Accountant, Quebec Bank.

4th September, 1865.

L. E. DORION,
Corp. Book-keeper.

CAP. LVIII.

An Act to explain certain enactments of the Acts of incorporation of the City of Montreal, and for other purposes.

[Assented to 18th September, 1865.]

WHEREAS doubts have arisen as to the true intent and meaning of the requirements of the forty-ninth section of the Act of incorporation of the City of Montreal, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, as to the validity of the proceedings adopted by the Council of the City of Montreal, at the special meetings thereof from the time of its incorporation to the present day: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts and declares as follows :

Preamble.
14, 15 V. c. 128.

1. All special meetings convened by the order of the Mayor or alderman in pursuance of the power granted in the said forty-ninth section, may be so called and convened by the order of the Mayor or alderman, by verbal or written intimation or notice to the city clerk, who thereupon shall issue the summons to the members of the said Council in the manner prescribed by the said forty-ninth section :

How special meetings of the City Council shall be called.

2. All special meetings of the said Council called upon a requisition signed by five or more members of the said Council, in case of absence of the Mayor of the said city, or of his sickness, or his refusal to call the same, shall be deemed and considered a sufficient notice to authorize the city clerk to issue the summons to the members of the Council in the manner prescribed by the said section ;

Special meetings on requisition of members.

3. All special meetings of the said Council heretofore called and convened by the Mayor or by an alderman, or by a requisition signed by five or more members of the said Council without any special notice signed by them or any of them to the said city clerk, requiring him to issue his summons in the form prescribed in the said forty-ninth section, shall be held and taken to have been so called and convened legally and in accordance with the requirements of the said forty-ninth section ; Provided always, that nothing herein contained shall affect or prejudice the claims of any person or persons concerned in any proceeding, suit or instance now pending in the Superior Court of the District of Montreal, wherein the validity of certain proceedings of the said Council of the City of Montreal is called in question ;

Special meetings heretofore called as above provided declared to have been legally called.

Proviso : as to pending cases.

2. And whereas it is enacted in and by the thirty-third section of the Act passed in the twenty-seventh and twenty-eighth

Recital.
27, 28 V. c. 60
s. 33.

eighth years of Her Majesty's Reign, chaptered sixty, "that any proprietor in the second, third and fourth sections of Notre-Dame street aforesaid, whose property, or any portion of whose property, is required for the said improvement, who may be desirous of anticipating the time fixed for carrying out the said improvement in front of his property, may do so, by amicable arrangement, at any time before the confirmation and homologation of the report of the said commissioners for the section of the said street in which such proprietor is interested, or after the confirmation and homologation of the said report, by an acceptance of the terms or price set upon his property in the said report;" but no provision is made to enable the Corporation of the said city to provide the necessary funds to meet the payment of the amount awarded in such cases, it is therefore enacted, that whenever any proprietor in the second, third or fourth sections of Notre Dame street, may desire to avail himself of the privilege conferred upon him by the said thirty-third section, by anticipating the time fixed for carrying out the widening of the said street in front of his property, such proprietor shall be bound to give a written notice of such his intention to the said corporation; and it shall be the duty of the said corporation to deposit, in the hands of the prothonotary of the Superior Court, within fifteen days from and after the said notice, the amount of the price and compensation which shall have been set upon the said property by the Commissioners.

Case of proprietor desiring to anticipate time fixed for widening the street provided for.

Proceedings in cases of sales of liquor without license, simplified.

3. And whereas it is expedient to simplify the procedure before the Recorder's Court in prosecutions instituted against parties selling spirituous, vinous or fermented liquors without license: it is hereby enacted that the said prosecutions before the said Court may henceforth be instituted either by a writ of summons or by warrant, as provided in and by chapter one hundred and three of the Consolidated Statutes of Canada, in relation to summary convictions before Justices of the Peace.

Oral evidence may be given in such cases, and not reduced to writing.

4. For and notwithstanding anything contained in the forty-seventh section of chapter six of the Consolidated Statutes for Lower Canada, it shall not be necessary, hereafter, to reduce the depositions of the witnesses in the said prosecutions before the said Recorder's Court, to writing, and to file the same of record in the cause, but the proof shall be made orally, as in cases of summary convictions.

Enforcement of penalty under sect. 3.

5. In default of the immediate payment of the penalty referred to in the third section of this Act, and such costs as are awarded to the prosecutor, the defendant shall be imprisoned under the warrant of the Recorder of the said City, for a period of not less than two months and not exceeding six months; but the defendant may, at any time, obtain his liberation from such imprisonment, by making full payment of the said penalty, and all costs, whether incurred upon or after conviction.

6. And whereas delays and obstructions have occurred in dealing with cases and suits cognizable by the Recorder's Court of the said city, by reason of doubts which were raised as to the power of the Clerk of the said Recorder's Court to conduct the said cases and suits, it is hereby declared and enacted as follows:

Recital.

The said clerk of the Recorder's Court is authorized and vested with all the necessary powers, and it is his duty to conduct, in behalf and in the name of the plaintiffs or prosecutors, when such plaintiffs or prosecutors are, or shall be, the Corporation of the said City of Montreal, all cases and suits cognizable by and within the jurisdiction of the said Court.

Clerk of Recorder's Court to conduct cases for the City.

7. For the purpose of completing the drainage of the said city, and for that purpose only, it shall be lawful for the said corporation to borrow, over and above the amount of the loan which the said corporation is authorized to raise in and by the provisions of the thirty-fifth section of the Act passed in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter sixty, such sum or sums of money, not exceeding seventy-five thousand dollars, as the said corporation may find it necessary or expedient to borrow, for the extension and completion of the drainage of the said city.

Additional loan for drainage authorized.

8. For the purpose of establishing and erecting a Drill Shed and Armory in the said city, and acquiring the necessary site therefor, and for these purposes only, it shall be lawful for the said corporation to effect a special loan not exceeding seventy-five thousand dollars to be designated *The Drill Shed Loan*.

Loan for Drill Shed and Armory.

9. The said corporation is hereby authorized to borrow a sum not exceeding two hundred thousand dollars for the purpose of providing an additional rising main water pipe and further to extend the Water Works of the said city and for no other purpose.

Loan for water works.

10. It shall be lawful for the corporation of the said city to issue, under the hand of the Mayor and the seal of the said corporation, debentures or corporation bonds to the amount of the respective sums which the said Corporation is empowered to borrow, in and by the three next preceding sections, payable twenty-five years after the date of the issue thereof respectively, and bearing interest payable semi-annually on the first day of May and November in each and every year, and at a rate not exceeding six per centum per annum, and all such debentures may be issued from time to time, at such periods and for such amounts as shall be deemed expedient, and they may have coupons annexed to them for the half-yearly interest payable on them, which coupons, being signed by the Mayor or Treasurer of the said corporation, shall be respectively payable to the bearer thereof when the half-yearly interest therein mentioned becomes due, and shall on payment thereof, be delivered

Issue of Debentures authorized: form, interest, &c.

up

up to the said corporation; and the possession of any such coupons by the corporation shall be *prima facie* evidence that the half year's interest therein mentioned has been paid according to the tenor of such debentures or bonds; and as well the interest as the principal thereof are and shall be secured to the general funds of the said corporation.

Loans may be effected in or out of the Province, &c.

11. The amount which the said corporation is empowered to borrow by the next preceding sections, may be borrowed either in this Province or elsewhere; and the principal sum and the interest thereon as aforesaid, may be made payable either in this Province or elsewhere, and either in sterling money or the currency of this Province, or in that of the place where the same shall be payable.

Sinking Fund, and Treasurer's duty with respect to it

12. It shall be the duty of the treasurer of the said city, before the quarterly meeting of the council of the said city, in the month of September, in the year one thousand eight hundred and sixty-six, and in each year thereafter, to take from and out of the annual revenues and funds of the corporation of the said city (from whatever source arising), and before the payment of any appropriation whatsoever of the said revenues or funds, a sum of money equal to two per cent. on the debt or debts created under the authority of this Act, and under the authority of the first section of the Act passed in the twenty-fifth year of Her Majesty's Reign, chapter forty-four, and of the thirty-fourth and thirty-fifth sections of the Act passed in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter sixty; which said sum of money the said city treasurer shall keep apart of all other monies, to be invested and applied, under the orders of the said council, solely and exclusively as a sinking fund, towards the extinction of the said debt or debts, in the same manner and under the same formalities as prescribed in and by the sixth section of the Act passed in the sixteenth year of Her Majesty's Reign, chapter twenty-six, and generally all the provisions contained in the said sixth section of the said last cited Act, shall apply to the sinking fund established under the authority of this Act, except only in so far as they are inconsistent with this Act.

Investment and application of such Fund.

Public Act.

13. This Act shall be deemed a Public Act.

C A P . L I X .

An Act to amend *An Act to provide for the appointment of a Port Warden for the Harbour of Montreal.*

[Assented to 18th September, 1865.]

Preamble.
26 V. c. 52.

WHEREAS the Act twenty-sixth Victoria, chapter fifty-two, intituled: *An Act to provide for the appointment of a Port Warden for the Harbour of Montreal*, has been productive of great benefit to the grain trade of Canada, and it is necessary

necessary to alter the same and otherwise amend 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 :

1. In addition to the fees authorized to be taken by the said recited Act for services performed by the Port Warden or his deputies, the following fees and charges shall be paid by the shippers of the following articles from the Port of Montreal, in seagoing vessels, that is to say :

On all grain shipped from the said Port, a fee not exceeding twenty-five cents for every one thousand bushels, with a proportionate charge for every fractional quantity thereof; Additional fees.
On grain.

On all flour shipped from the said Port, a fee not exceeding one dollar, for every one thousand barrels, with a proportionate charge for every fractional quantity thereof; On flour.

On all ashes shipped from the said Port, a fee not exceeding two cents per barrel; On ashes.

On all other articles not hereinbefore enumerated and shipped from the said Port, a fee not exceeding ten cents per ton weight or ton measurement, and the same fee on all quantities or parcels of such other articles exceeding in the whole shipment half a ton, though not amounting to one ton weight or measurement; but no fee to be charged in respect of such other articles for any shipment not amounting to half a ton, or for any fractional parts of a ton in any shipment exceeding one or more tons. On other articles.
Proviso.

2. The Council of the Board of Trade for the City of Montreal may, from time to time, establish a Tariff of fees for the services of the Port Warden, in respect of the matters comprised in the first section of this Act, in the same manner as provided by the said recited Act, for the charges thereby authorized, but such Tariff shall not exceed the limits imposed by the first section of this Act; and such Tariff, being first approved by the Governor in Council, shall be in force until repealed or altered by the said Council of the Board of Trade, as it may be at any time with the approval of the Governor in Council; and such maximum rates may be altered and apportioned, and the particular service distinguished, and the fee thereof assigned, as the Council of the Board of Trade may, from time, appoint, and in the same manner as the rates imposed by the said recited Act, and so as that the fourth subsection of the twenty-seventh section of the said recited Act shall read and be construed as if it had reference to the rates hereby imposed, as well as to the rates imposed by such Act, and subject to the approval of and with the same powers in the Governor in Council as in such fourth subsection provided. Council of Board of Trade to make Tariff of maximum rates.
Tariff to be subject to approval of Governor in Council.
Rates may be altered and apportioned under 26 V. c. 52.

Port Warden to keep account of fees.

As to disputes touching fees.

3. The Port Warden shall record all fees received under this Act, and make annual return thereof, in the same manner as provided by the fourth section of the said recited Act, and the twenty-fourth and twenty-fifth sections of the said Act shall apply to any dispute arising between the Port Warden and any shipper from whom fees are claimed under this Act.

Board of Trade may fix a salary for the Port Warden instead of fees.

4. The Board of Trade may, if they see fit, at any time, fix and appoint a salary to the Port Warden, to include his own remuneration and that of his deputies and his expenses of office or otherwise, as may be arranged; and for any period during which the Port Warden shall be paid by salary, such balance as may appear by his certified annual return, to be in his hands over and above his salary, (or over and above his salary, that of his deputies and his expenses of office, if the same are not included in his salary,) shall be forthwith paid by the said Port Warden to such person as the Board of Trade shall depute to receive the same.

Penalties for infractions of 26 V. c. 52.

5. The penalty for any and every infraction or breach of the eighth section of the said recited Act, shall be the sum of forty dollars; and for every infraction or breach of the twelfth section of the said Act, the sum of forty dollars; and for every infraction or breach of the sixteenth section of the said Act, the sum of twenty dollars; and any and every such penalty as aforesaid, shall be recoverable in the manner prescribed by the Interpretation Act, in cases where penalties are imposed, and the recovery is not otherwise provided for.

Recovery.

C A P . L X .

An Act to amend the Acts incorporating the Town of Lévis.

[Assented to 18th September, 1865.]

Preamble.

24 V. c. 70.

WHEREAS the Corporation of the Town of Lévis have by their petition, prayed for certain amendments to their Act of incorporation, 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:

Sect. 45 sub. s. 10 amended.

1. The tenth subsection of section forty-five of the Act to incorporate the Town of Lévis, is hereby repealed:

Compelling Traders to take licenses.

The Corporation of the Town of Lévis, by its Council, shall have power to make by-laws to compel traders and dealers, before carrying on their trade or business within the limits of the said town, to take out and receive from the Secretary-Treasurer of the said Town, a license to that effect, for which license every such trader or dealer shall pay to the Secretary-Treasurer

Treasurer of the said town such sum as shall be fixed by the said by-laws.

2. The thirteenth subsection of section forty-five of the Act to incorporate the Town of Lévis, is hereby amended, the following being added thereto : Sub-sect. 13 amended.

“ And the Council of the Town of Lévis shall have power to make by-laws to compel all persons within the limits of the said town, who may be desirous of engaging in any trade, art or branch of industry whatsoever, or of commencing any business whatsoever, either as agent, pawnbroker, distiller, manager or director of any theatre, circus, billiard room or ten-pin alley, or as butcher, baker or manufacturer of any description whatsoever; in a word, all persons connected with any business, manufacture, occupation, art, trade or profession whatsoever, already introduced, or which may be hereafter introduced into the said town, whether mentioned in the said subsection or not, to obtain from the Secretary-Treasurer of the said town, before being allowed to engage in their art, trade or branch of industry as aforesaid, a license to that effect, for which license there shall be paid to the said Secretary such sum as shall be fixed by such by-laws.” The same as to certain callings and professions.

3. The fourteenth subsection of section forty-five of the Act incorporating the Town of Lévis, is hereby amended, the following being added thereto : Sub-sect. 14 amended.

“ And shall also have power to levy a special tax on any ward or part of ward of the said town, upon application of the rate-payers as hereinafter provided, in accordance with any by-law passed to that effect, for the construction, maintenance and repair of the hills, streets and footpaths in the said ward, or part of ward respectively.” Special tax for roads, &c.

4. The fifteenth subsection of section forty-five of the Act to incorporate the Town of Lévis, is hereby repealed, and the following substituted therefor : Subsect. 15 amended.

“ The Council shall be bound, on the application of a majority of the proprietors of any ward, or of any part of a ward, the extent whereof shall be fixed by the Council, and the said electors whereof are inscribed on the Assessment Roll, requiring improvements to be made or works to be done in such ward, or part of a ward, to impose a tax not exceeding one cent in the dollar for each year on the assessed yearly value of the real property in such ward, or part of a ward, which rate shall be fixed by a by-law of the said Council, respecting such works or improvements, and such tax may be levied and collected in the same manner as the other taxes of the said town, and shall constitute a special fund, to be deposited Obligation to impose such tax on application of majority of proprietors, &c.

deposited in the hands of the Treasurer, and to be applied to such improvements and works."

Sect. 46, sub-
sect. 18
amended.

5. The eighteenth subsection of section forty-six of the Act to incorporate the Town of Lévis, is hereby amended, by inserting the word "day-laborers" after the word "servants," in the said subsection.

Sub-sec. 19
amended.

6. The nineteenth subsection of section forty-six of the said Act, is hereby amended, the following being added thereto :

Power to enter
houses and
take offenders.

"And to authorize the entering of all such houses at all hours of the day or night, and the bringing at once before a Justice of the Peace for the district, of all persons found in or keeping such houses, and the summary condemnation, without further proceeding, of such persons, to a fine of not more than twenty dollars, payable at once and without delay, and, in default of payment, to a term of imprisonment not exceeding one calendar month."

Last subject.
s. 46 amended.

7. The last subsection of section forty-six of the said Act is hereby repealed, and the following substituted therefor :

By-laws
respecting
carters.

"The Council of the said town shall have power to make by-laws in relation to the carters of the said town, and the system of granting them licenses and numbers, and to fix the rates and prices to be paid to them, and to be paid by them for their licenses and numbers, and to regulate the manner in which they shall be stationed and placed on the stands designated by the said Council, in such different places in the said town as the said Council shall think fit."

Sect 49
amended.

8. The forty-ninth section of the said Act is hereby amended, the following being added thereto :

Arrest of per-
son caught *in*
flagrante
delicto.

"Any person taken in the fact, or surprised *in flagrante delicto*, or caught in the act of contravening any of the provisions of the Act of Incorporation, or of the different Acts amending the same, or of the several by-laws of the Council of the said town, now in force, or which may hereafter become so, may be arrested on the spot, without other authorization, and taken before a magistrate or a justice of the peace for the district, and on proof, under oath, by two credible persons, of his culpability, such offender may be condemned in a penalty of not more than twenty dollars, payable without delay to the Secretary-Treasurer of the said town, and in default of such immediate payment, such offender may be condemned to a term of imprisonment not exceeding one calendar month, without any other formal proceeding, notwithstanding any law or usage to the contrary, and without its being necessary, before sending to prison any such person so convicted, to discuss his goods and chattels."

Penalty and
mode of en-
forcing it.

9. The Town Council shall have power to make by-laws in relation to dogs and their destruction, and to impose penalties for the infraction thereof, in accordance with the Act of incorporation. By-laws as to dogs.

10. The fifty-second section of the said Act, is hereby amended, the following being added thereto : Sect 52 amended.

“ But with respect to by-laws which relate only to the internal affairs of the town, or the object whereof is only the administration and government of the inhabitants of the said town, it shall be sufficient that such by-laws shall be read at the doors of the parish churches, and posted up at such doors, and also in the most commonly frequented public places in the said town ; and all such by-laws shall be held to have been read, published and posted up until the contrary is proved. Publication of By-laws.”

11. The sixty-sixth section of the said Act, is hereby amended, and the words “ said town ” are struck out, and the words “ District of Quebec ” substituted therefor. Sect. 66 amended.

12. The fifth section of the Act amending the said Act of Incorporation, passed in the twenty-fifth year of Her Majesty's Reign, is amended, by striking out all the words in the sixteenth line from the word “ office ” to the word “ from.” Sect 5 of 25 V. c. 48 amended.

13. This Act shall be deemed a Public Act. Public Act.

C A P . L X I .

An Act to incorporate the Village of Berthier as a Town.

[Assented to 18th September, 1865.]

WHEREAS, from the increase of the population of the Village of Berthier, the provisions of the Municipal Acts do not suffice to enable the inhabitants thereof to carry out the improvements which they are desirous of making, and whereas the Municipal Council of the said village has represented that it is necessary that more ample provisions be made in that behalf, and that the said Village be incorporated as a Town under the name of the Town of Berthier : 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 Town of Berthier 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 Mayor and Council of the Town of Berthier, and separated from the County of Berthier for all Municipal purposes ; and by the Town of Berthier incorporated.

Corporate
name and
powers.

same name they and their successors shall have perpetual succession, and shall have power to sue and to be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes and 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 of any duty, right or thing whatsoever.

Real property.

Bonds, notes,
&c.

Boundaries of
the Town.

2. The said Town of Berthier shall be bounded in front by the River St. Lawrence; on the north-east side by the River Bayonne; to the north-west and in the rear by a little stream, the confluence whereof with the River Bayonne is situated between the property of Peter Ralston and the farm belonging to Joseph Derouin or his representatives; the rear line along the said stream from its said confluence with the River Bayonne to the south-west side of a line road between the farm belonging to the Fabrique of the Parish of Berthier and the farm belonging to Louis Marie Raphael Barbier or his representatives; thence from the said south-west side of the aforesaid line road in a north-westerly direction along the line which divides the said line road from the farm of the said Louis Marie Raphael Barbier, as far as the rear line of the lot belonging to the Berthier Academy; thence, in a south-westerly direction, along the said rear line of the lot belonging to the said Academy to the western angle of the said lot; thence, from the said western angle along the south western line of the said lot as far as the southern angle thereof; thence from the said southern angle in a straight line running parallel to the said line road until such line reaches a road or street in front of the farm held by the said Louis Marie Raphael Barbier or his representatives; thence, in a straight line, in a southerly direction, as far as a wooden cross situated on the farm belonging to the heirs of Louis Généreux, at a distance of three arpents and one perch from the River St. Lawrence; and lastly on the other side on the south-west by a straight line drawn from the said cross and running parallel to the side lines of the said farm belonging to the heirs Généreux, until the said line reaches the River St. Lawrence:

Wards and
their bounda-
ries.

2. And the said Town shall be divided into three Wards: the East Ward, the Centre Ward, and the West Ward, each represented by three councillors; the East Ward shall comprise the tract between the River Bayonne and a parallel line passing through the centre of Joseph Street, from the River St. Lawrence to the boundary line of the said Town in the rear; the

the Centre Ward shall commence at the said line and shall extend upwards as far as the south-western side line of the land belonging to the St. James congregation, at present occupied by the Reverend William Merrick; the West Ward shall commence from the last mentioned line and shall extend to the south western boundary of the said Town.

3. There shall be elected, from time to time, in the manner hereinafter mentioned, nine fit persons, three for each ward, who shall be and be called the Councillors of the Town of Berthier; and such 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 Berthier.

Election of
Councillors.

4. No person shall be capable of being elected Councillor of the Town of Bertier, 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, in his own name or in the name of his wife, of real estate, within the said Town, of the value of four hundred dollars, after payment or deduction of his just debts:

Qualification of
Councillors.

2. No person shall be capable of being elected Councillor of the said Town of Berthier, unless he be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years;

Further quali-
fications.

3. No person being in Holy Orders, or the Ministers of any religious belief whatever, the Members of the Executive Council, nor Judges of the Court of Queen's Bench or of the Superior Court, Sheriffs or officers of any of the said Courts, nor officers on full pay in Her Majesty's army or navy, nor salaried civil officers, nor any person accountable for the revenues of the said Town, or receiving any pecuniary allowance from the Town for his services, 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 partners any contract whatever, or interest in any contract with or for the said Town, shall be capable of being elected Councillor for the said Town; provided always, that no person shall be held incapable of being elected Councillor for the said Town, from the fact of his being a shareholder in any incorporated Company, which may have a contract or agreement with the said Town;

Who may not
be elected
Councillor.

Proviso.

4. The following persons shall not be obliged to accept the office of 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 of age, and the Members of the Council of the said Town, who have been so within the last two years;

Who shall not
be bound to
accept the said
office.

years ; 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 municipal 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 as proprietors by themselves or their wives of real property in the said Town, and who have been so for at least six months, and tenants of the age of twenty-one years, who shall have resided in the said town, and paid rent during the year immediately preceding the election, on a dwelling-house, or part of a dwelling-house, at the rate of not less than twenty dollars 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 assessments so due as aforesaid.

Proviso.

Voter must have paid his taxes, and the receipt may be demanded.

Present Councillors to remain until elected.

6. The 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 Village of Berthier, 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 Village of Berthier, as heretofore constituted.

Present By-laws to remain in force until altered, &c.

When the municipal elections shall be held : notice thereof.

7. The Municipal Elections for the said Town shall be held in the month of January in each year, and public notice thereof shall be given at least eight days previous to such election in the French language, by notices posted up at the door of the church of the parish of Berthier, and in the market of the said Town, and read at the door of the said Church, 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 present Mayor of the village of Berthier, or in his absence by the Registrar of the County of Berthier, and shall specify the day, the place and the hour upon which such election shall be held in each of the wards of the said Town ; and for all subsequent elections, the said notice shall be signed by the Mayor or the Secretary-Treasurer

Treasurer of the Town, and shall specify in like manner the day, place and hour upon which the said elections are to take place in each of the wards of the said Town.

8. Before the publication of the notice announcing such election, the present Council of the Village of Berthier, for the first election to take place in the month of January next, and afterwards the Council of the said Town, for subsequent elections, shall appoint one of their number to preside at and to conduct such election, and shall specify the places when it shall be held in each ward; such Councillor having under him a deputy, appointed and paid by the council, for each of the wards of the said Town; such deputies shall have the qualifications necessary to entitle them to vote at such election, and if they think fit it shall be lawful for them to have a poll-clerk whom they shall appoint by a writing under their hand; and the polls shall be open for the reception and registration of votes from nine of the clock in the forenoon until four of the clock in 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 vote in the ward in which he resides at the time of such election and at the closing of the poll, the deputy in each ward shall declare the three persons, who shall have obtained the greatest number of votes to be duly elected Councillors of the said Town, and in case the candidates have an equal number of votes, the deputy acting at the poll shall give his casting vote:

Who shall
preside at the
first election.

Mode of voting.

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 deputy in each ward shall adjourn the proceedings thereof to the hour of nine 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 second day, and shall then declare duly elected Councillors, such of the candidates as shall be entitled to be so declared elected;

Voting may
continue two
days if one be
insufficient.

3. Provided always, that 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 deputy in each ward to close the said election and declare duly elected as Councillors, such candidates as shall be entitled to be so declared elected; Provided also, that 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;

Poll to be
closed if no vote
be given for
one hour.

Proviso.

4. The Councillors elected at any of the municipal elections shall remain in office during two years;

Duration of
office of Coun-
cillors.

How subsequent elections shall be conducted.

5. The subsequent annual elections of Councillors for the said town shall take place in the same manner and within the same delays as the first ;

Oath of office of deputy or Poll Clerk.

6. Before proceeding to the holding of any election in virtue of this Act, each deputy or poll-clerk shall take the following oath which the Councillor presiding, or any other Councillor, or any justice of the peace, residing in the said Town, is hereby empowered to administer, viz :

“ I do solemnly swear that I will, to the best of my judgment and ability, faithfully and impartially perform the duties of Deputy-Returning Officer (or of Poll-Clerk), at the election, which I am about to hold, of a person or persons to serve as Councillor for the Ward (as the case may be) of the said Town of Berthier. So help me God.”

Powers of person presiding and his deputies.

7. The Councillors presiding, and each deputy at any Municipal election in the said town, shall, during such election, be conservators 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 and disturbers of the peace, 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 person presiding at an election to appoint special constables in sufficient number 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 election shall, within two days from the closing of the election, give to each of the Councillors so elected, special notice of his 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 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 delivered up to the Secretary-Treasurer, &c.

2. The person presiding at any such election shall deliver up immediately to the Secretary-Treasurer of the Town Council, 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 ;

Attestation of Poll books.

3. In every election held in virtue of this Act, the poll-books containing the names of the voters and other matters shall be attested under oath by each of the deputies, who shall have presided at such election in the several wards of the said town, each

each of the said deputies attesting his own poll-book before the Councillor presiding at such election, or any justice of the peace residing in the said town ; and such presiding Councillor or justice of the peace is hereby authorized to administer such oath, and the said oath shall be in the form following, and shall be written in whole or in part on the last page of the said poll-book, containing the names of the electors :

“ I, A. B., swear that the poll-book kept by me at the municipal election for the ward of the town of Berthier, is true and correct to the best of my knowledge and belief. So help me God.” Oath.

And the said poll-books, so sworn to, shall be deposited in the office of the Secretary-Treasurer of the said town, by each of the said deputies, within three days next after such election ; Deposit of Poll books.

4. The first session of the Council, after the first election, shall take place within fifteen days immediately following the said election, and at such meeting the 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 Council of the town of Berthier, 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 at once proceed to elect from amongst themselves, by a majority of the votes of the members present, a mayor for the said town, who shall remain in office for the time for which he was elected councillor ; and immediately after they 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 ; Majority then present may Act, others to be fined.

5. The Councillors elected at the elections subsequent to the first, shall enter office on the day of their nominations, and a meeting of the Council shall take place within fifteen days after, in the same manner as after the first election, and the Councillors elected shall take the same oath, and shall proceed to the election of the Mayor as aforesaid, and those absent without just cause shall be held to have refused the office, and shall be liable to the penalty hereinafter provided in such cases, unless they be persons who are exempted from serving : When the Councillors elected after first election shall go into office.
First meeting.
Penalty.

6. Five members of the Council shall constitute a quorum ; Quorum.

7. The expense of every election shall be defrayed out of the funds of the Corporation. Expenses.

If any Councillor refuse to act or his election is contested.

10. In any case in which one of the persons so elected shall refuse to act as 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 the election shall have been declared null, the electors of the town shall proceed to a new election for such Councillor, and in the case the poll shall be held at a place fixed by the said Council, in the ward of the said town in which such vacancy shall have occurred, and the said election shall be conducted in the same manner as ordinary elections :

In case of the absence, death or incapacity of any Councillors.

2. In case of the death of 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 Councillor, to replace the Councillor so deceased, absent, or rendered incapable, as above mentioned; and in case the votes of the said Councillors are equally divided in the appointment of a person to replace a Councillor, the election shall proceed in the manner mentioned in the preceding paragraph; provided, however, that notwithstanding the decease, absence or inability to act of 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 Councillor taken place;

If the votes are equally divided, &c.

Proviso: remaining Councillors empowered to act.

Duration of office.

3. Every Councillor 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 Berthier : So help me God.”

Presiding officer to examine candidates upon oath as to qualification, if

12. The officer presiding at any election under this Act, and his deputies shall have authority, and they are hereby required, at the request of any persons qualified to vote at such election, to examine upon 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 they are 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:

“ You swear that you will 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.”

The oath.

And the presiding officer shall himself put the questions which he shall deem necessary.

May put questions.

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 other cases of wilful and corrupt perjury.

False swearing 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 might be imposed by the said Town Council in the like case.

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 meetings, 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.

Decision of
contested
elections by
Circuit Court.

16. If the election of all, or of one or more of the Councilors, be contested, such contestation shall be decided by the Circuit Court in and for the County of Berthier.

Who may con-
test;

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;

And how.

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;

Form of pro-
ceedings.

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 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 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 Court, or of the Clerk of the Circuit Court for the said County of Berthier, or his Deputy;

Time for con-
testing limited.

Security for
costs.

Court 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 avoid 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;

Evidence.

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;

As 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

ground of contestation, the Court may admit or reject the same, according as such defect or irregularity may, or may not, have materially affected the election.

17. In case it shall, at any time, happen that an 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 the duty of such members of the said Council as shall then be in office, to meet again for the purpose of fixing, as early as possible, a day for the holding of such 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 Clerk of the Circuit Court in and for the County of Berthier, and in his absence by the Registrar of the County of Berthier.

In case any election shall not be held.

18. All meetings of the said Council shall be public, excepting only when the said Council shall enquire into the conduct of any member 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.

Meetings to be public.

19. 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 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 one of their number to fill the place of the Mayor during the sitting.]

Mayor to preside at Council meetings, and to have casting vote but neither he nor the Councillors to have any pay as such.

Proviso.

20. 1. The Council, at its first general meeting or at a special meeting held within the fifteen days which shall follow the first day of such general meeting, shall appoint an officer who shall be called the "Secretary-Treasurer of the Town of Berthier:"

Secretary Treasurer to be appointed.

2. The Secretary-Treasurer shall be the custodian of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*,

Duties of Secretary-Treasurer.

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 certain documents authentic.

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; 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 bond.

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 registered, and its effects when registered.

6. Every such security bond, when duly registered in the registry office for the County of Berthier, 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 corporation.

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 be lawfully paid by the said Secretary-Treasurer unless the same shall show 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;

To keep the books.

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

into his hands or to whom he has made any payment respectively, and he shall keep in his office the vouchers for all expenditure ;

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 receipts and expenditure, attested by him under oath ;

To render at-tested accounts.

10. The Secretary-Treasurer's books of account and vouchers shall, at all reasonable hours of the day, be open for inspection, as well to the Council as to each of the members thereof, and the Municipal Officers by them appointed, or 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 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 ;

Officers retiring—their duties.

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

In case of death or absence from Lower Canada,

within

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.

21. The said Town Council shall have power, whenever they may deem it advisable, to appoint three assessors or valuers of property to estimate the ratable 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.

22. 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 Berthier, 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 of Assessors.

23. 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 four hundred dollars.

Proceedings of Council upon deposit of assessment roll.

24. When the assessors shall have made a valuation of all the ratable 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 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

Complaints and hearing and decision thereof.

Council

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 two 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 merchandize held in the said Town.

Duration of roll.

Proviso : as to diminution in value.

Proviso : as to omissions.

Proviso.

25. 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 Berthier, 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 Berthier. So help me God.”

The oath.

26. 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 make their report to the Council of the said Town at least fifteen days before the day of the election.

Duty of Auditors.

27. The Auditors who shall be appointed for the said Town shall be proprietors of real estate therein of the value of at least two hundred dollars ; provided always that neither the Mayor, Councillors;

Real property qualification of Auditors.

Proviso: certain parties disqualified.

Councillors, nor 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.

28. The Mayor of the said Town shall, during the period of his office be *ex officio* a Justice of the Peace for the said Town.

In what cases Councillors shall become disqualified.

29. 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 the Court of Queen's Bench, or of the Superior Court, 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 period of three 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.

30. 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 streets, public squares, and vacant or occupied lots; for the prevention and 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; and all the powers conferred by the Municipal Act of Lower Canada of one thousand eight hundred and sixty, and the Acts amending the same, upon any Municipal Council, and upon the Councillors and Officers thereof, not incompatible with this Act, are conferred upon the Corporation of the Town of Berthier, the Municipal Council, the Councillors and the Officers of the said Corporation.

Powers under municipal Act L. C.

May appoint and remove officers.

31. 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 by-laws now in force, or to be by

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.

32. In order to raise the necessary funds to meet the expenses of the said Town Council, and to provide for the several necessary and advantageous public improvements of the said Town, the said Town Council shall be authorized to levy annually on persons, and on movable and immovable 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 cent on the dollar on their whole value, as entered on the Assessment Roll of the said Town ;

Upon real pro-
perty.

2. On the following movable property, a sum not exceeding one half of a cent in the dollar on the value herein specified ;

And upon cer-
tain movable
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 curricule or light waggon, with one seat, at forty dollars ;

Every two-horse sleigh, at eighty dollars ;

Every one-horse sleigh, at forty dollars ;

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 ;

Proviso : cer-
tain personal
property ex-
empted.

3. On all stocks in trade or goods kept by merchants or traders, and exposed for sale on the shelves in shops or kept in cellars or store-houses, a tax of one-half per cent. on the estimated average value of such stocks in trade ;

Upon mer-
chandize.

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 ;

Tenants.

Poll tax on
male inhabi-
tants.

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 profes-
sions, trades,
&c.

Public houses.

Pedlers.

Places of
amusement.

Auctioneers and
other traders.

Bankers.

Insurance
Companies.
All callings
whatever.

Workmen to be
taxed in classes.

Lawyers,
Doctors, &c.

Roll to be made.

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 retailers of spirituous liquors ;—and on pedlers 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, hucksters, 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 their agents, 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 herein ; and the workmen of all mechanical arts and trades, exercised in the said Town, shall be divided into first and second classes, by the person appointed by the said Town Council to make the roll of movable 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 a roll of the persons and movable property mentioned in the different parts of this section ;

Commutation
in respect to
statute labor.

Proviso.

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 sidewalks 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 commutation shall be equitably established in proportion to the work to be done, and that by arbitration, if the parties concerned require it ;

9. And the said Town Council may also provide, by resolution, for the advantageous investment or deposit, either in savings banks or in public securities or otherwise, of any balances of money remaining in their hands, in order to create therefrom a revenue for the said Town.

Investment of money in the hands of the Council.

33. The said Council shall also have power to make By-laws :

Council may make by-laws with respect to—

1. For the concession of lots, and for opening new streets in 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 ;

Opening streets, &c.

2. 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 market ; and for fixing the duties to be paid upon waggons, carts, sleighs, boats, canoes and vehicles of all kinds in which articles may be exposed for sale in a public market or in a street, or on the beach bordering on such Town, or on that part of the river forming the front boundary of the said Town, and to determine the manner in which such vehicles shall be placed for such purposes ;

Clerks of markets and their duties.

Weighing and measuring.

Duty on waggons, carts, &c.

3. 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 ;

Amending by-laws.

4. For regulating and placing all vehicles, in which any article shall be exposed for sale on the said markets ;

Vehicles on markets.

5. For preventing persons bringing provisions 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 ;

Sales elsewhere than in markets.

6. For regulating the weighing and measuring of all cordwood, coals, salt, grain, lime and hay, brought into or sold in the said Town, by strangers, or persons residing therein ; and for authorizing the seizure and confiscation of all grain, meat, flour, butter, potatoes and other vegetables, fruits, articles and things brought into the said Town for sale or otherwise, in consequence of any defect in weight, measure or quality or for any

Cordwood, &c.

Confiscation of articles for fraud.

any other good and sufficient cause, and also for determining the manner in which all such articles exposed for sale in contravention of the said By-laws, shall be disposed of after confiscation ;

- Weights and measures.** 7. For determining in what manuer 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.** 8. For preventing obstructions of any nature whatsoever in streets ;
- Sales on public highways.** 9. For preventing the sale on the public highway of any wares or merchandize whatsoever ;
- Sale of intoxicating liquors.** 10. 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.** 11. For determining under what restrictions and conditions the Revenue Inspector shall grant Licenses to Merchants, Traders, Shop-keepers, Tavern-keepers and other persons to sell such liquors ;
- Sum payable.** 12. 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.** 13. 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, &c.** 14. For preventing the sale of intoxicating beverage to any child, apprentice or servant ;
- Cruelty to animals.** 15. For preventing the driving of vehicles at an immoderate pace in the said town, or riding on horseback on the sidewalks 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 burdens of too great a weight ;
- Bread.** 16. For regulating the sale and weight of bread, and the seizure, forfeiture and confiscation of all such bread so exposed for sale contrary to the said by-laws, or which may be of light weight or unwholesome ; and for regulating the manner in which it shall be disposed of after confiscation ; and for that object, for authorizing officers and persons to enter into bakers' shops or other places, and o stop vehicles carrying bread, for
the

the purpose of examining and weighing the same, and for doing any other necessary act or thing which may be considered advantageous for the public benefit and safety, the attaining of such object, or the carrying out of such by-laws ;

17. 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.

18. To prevent the keeping of gaming-houses, places for gambling or any description of houses of ill-fame in the said town ;

Gaming houses.

19. To establish as many public pounds as the said Council shall deem expedient to open, for the impounding of animals of any species running at large in the said town ;

Pounds.

20. For regulating, arming, lodging, clothing and paying a Police Force in the said town, and for determining their duties ;

Police.

21. For fixing and regulating the places where burials may take place within the said town ; for compelling the removal of bodies which shall have been interred contrary to this section ; provided always, that this section shall not be deemed to extend to prevent burials in the churches of the said town ;

Burials.

Proviso.

22. To compel the proprietors of all land and real property within the said town, or their agents or representatives, to enclose the same ; and to regulate the height, description and material of every such enclosure, and to make footways, if the Council should think fit to do so ;

Enclosures.

23. 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 occupiers 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 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 ;

Draining and fencing of lands.

If the owner is poor, &c.

24. To oblige all proprietors or occupants of houses in the said town, to remove from the streets all encroachments or obstructions

Encroachments.

obstructions of any sort, such as steps, galleries, porches, posts or other obstacles whatsoever ;

Old and ruinous buildings.

25. 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 all streets all sheds, stables and other outbuildings erected on the line 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.

26. For regulating the width of streets now open, or to be opened hereafter in the said town ; for regulating and altering the height or the level of any street or sidewalk in the said town ; provided, that if any person shall suffer any 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 ;

Proviso.

Water and gas.

27. For defraying out of the funds of the said town, the expenses of furnishing the citizens with water, and of lighting the town with gas, or in any other manner ; and for obliging the proprietors of real property in or outside the said town to allow the necessary works to be performed for such objects on their respective properties, and for obliging all proprietors in the said town to allow the necessary pipes, lamps and posts to be fixed 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 damage 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.

28. For assessing the proprietors of real property situate on any of the streets of the said town, for such sums as shall be deemed necessary for the making or repairing of 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 levied ;

Sweeping and watering, &c.

29. For assessing at the request of a 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 ;

30. For raising all sums necessary for aiding in the construction, maintenance and repair of roads leading to the said Town, and of bridges and other public works outside the limits of the said Town; and for making improvements in the navigation of the river forming the front boundary of the said Town, and for appropriating to such purposes the moneys of the said Town, and any sums in their hands derived from the Municipal Loan Fund, for whatsoever purpose the same may be destined ;

Raising money for roads, bridges, railways and river improvements.

31. For assessing 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 may 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 damage, 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 any of the Courts of Justice of this Province ;

Damages from riots and tumults.

32. To fix the place for the erection in the said Town of any manufactories or machinery worked by steam ;

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 intrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases; 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.

34. For preventing and restraining all games with cards or dice or other games of chance, with or without betting, in any licensed or unlicensed hotel, eating-house, tavern or shop in the said town ;

Gambling.

35. For preventing and prohibiting any riot or tumult, disturbance or disorderly assembly, and punishing the authors thereof; and for giving power and authority to enter into all shops, taverns, hotels and other houses or places of public entertainment, licensed or not licensed in the said Town ;

Disorder and tumults.

36. For finding out and arresting on the spot, such persons as shall be found playing, either at cards, dice, or other games of hazard, or engaged in cock-fights or dog-fights, in such places, contrary to any By-law prohibiting such things, or making, causing or creating any tumult, riot, disturbance, or disorder therein ;

Cock-fights, &c.

Snow, &c.

37. For obliging all persons to remove the snow, ice or filth from the side-walks and from the roofs of buildings possessed or occupied by them, and also the snow and ice from the street, and for punishing them for failing to do so ;

Side walks,
&c.

38. For preventing and forbidding the obstruction of the streets, squares or sidewalks by carriages, carts, sleighs, wheelbarrows, boxes, wood, or any other nuisance or material whatsoever ;

Hawkers.

39. For prohibiting or for licensing or regulating the selling or hawking of fruits, cakes, refreshments, jewelry and merchandise of all kinds in or along the streets, public places, and sidewalks of the said town ;

Unwholesome
trades.

40. For obliging the proprietor or occupant of every grocery, cellar, candle or soap factory, tannery, stable, barn, privy, drain, garden, field, yard, passage or vacant lot, or any other place that may be unwholesome or fetid, to cleanse and purify it, or even to remove it, or to cause it to disappear as far as may be necessary for the health, comfort and convenience of the inhabitants of the said town ;

Dead bodies,
&c.

41. For preventing any person from bringing into or depositing or leaving within the limits of the said Town, or in the river forming the front boundary of the said Town, any dead body or carcass, or other deleterious substance, and for causing the same, together with any matter on the point of becoming unwholesome, to be removed by the proprietor or occupant of any place where they may be found, and in his default to authorize the removal or destruction of the same by some officer of the Town, and to recover the expense of such removal or destruction from the person refusing or neglecting to remove or destroy the said substance ;

Dogs.

42. For regulating and preventing the allowing of dogs to go at large in the said Town, and for authorizing the destruction of all dogs wandering at large in contravention of any By-law in the said Town ;

Fees at pounds.

43. For establishing a tariff of the fines and duties which shall be paid at the public pounds which now exist or which shall hereafter be established in the said Town ;

Hucksters.

44. To control and regulate hucksters and persons who buy articles brought to the said town, in order to sell them again, and for imposing duties and taxes on them for carrying on their business ;

Regulating
streets and
public places.

45. For regulating, cleaning, repairing, mending, altering, opening, widening, narrowing, straightening or discontinuing the streets, squares, lanes, highways, bridges, side-walks, crossings, drains and sewers, and all natural water-courses in the said Town ;

Town; and for preventing their being incumbered in any way, and protecting them from encroachment and injury, and also for settling the direction of all natural water-courses running through private property in the said town; and for regulating every thing on this subject, whether the said water-courses be or be not covered; It shall also have power to regulate the mode of planting, rearing and preserving ornamental trees in the streets and public places of the said Town;

Shade trees.

46. For regulating the way in which horses shall stand at rest, or be tied in the streets or open sheds in the said Town;

Horses.

47. For preventing or regulating bathing and swimming in the River forming the front boundary of the said town;

Bathing.

48. For regulating and preventing the firing of guns, pistols and other fire-arms, and preventing the making of bonfires and firing off of rockets and crackers.

Fire works.

34. 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 effectual for preventing accidents by fire, or arresting the progress of fires;

Fire engines.

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 discharge of any duty assigned to him by the said Council under the authority of this section;

Thefts at fires.

4. For establishing or authorizing and requiring to be established after each fire in the said town, a judicial inquiry 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 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

Enquiring into causes of fires.

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 number 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 refusing to allow their chimneys to be swept or 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 ; 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 shown on proof before him ;

Penalty for contravention.

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 out-buildings, 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 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 more easily to arrest the progress of the fires ;

Persons wounded at fires.

8. For defraying out of the funds of the said town any expenses 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 decease 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 ;

9. For vesting in such members of the Council or in the Fire Inspectors, or both, to be designated in such By-laws, the power of ordering to be demolished, during any fire, any houses, buildings, outhouses 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 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 purpose aforesaid.

Authorizing officers to visit and inspect buildings, &c.

35. Whenever an assessment or assessments and taxes are imposed by the Town Council, the Secretary-Treasurer shall immediately prepare his collection roll for the town, and shall enter thereon the name of each person assessed, whose name shall be on the assessment roll, the value of the real property belonging to each person, as specified by the assessment roll, and the amount of movable property for which such person is liable to taxation ; and he shall, in like manner, calculate and enter the several assessments payable by such person, either in virtue of a By-law, or otherwise, and the total amount in which each person is indebted ; and when the Secretary-Treasurer shall have completed his collection roll, he 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, 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 :

Collection rolls to be made when assessments are imposed.

Duty of Secretary-Treasurer upon completion of collection-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 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 ;

Duty with respect to arrears.

As to persons residing out of the town.

3. The provisions of the preceding subsection shall not apply to persons residing beyond the limits of the said town, who shall be bound to pay their assessments within the thirty days next after the public notice in this section mentioned, without its being necessary to make any demand for payment, either personally or at their domicile ;

Proceedings in case of neglect to pay.

4. If any person residing in the town neglects to pay the amount of assessments imposed upon him, for a period of thirty 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 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 of the district of Richelieu, of the Superior Court for 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 recovered.

36. 1. 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, or from the 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 or 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 :

Proceedings in case of non-performance of work ordered by Council.

2. Whenever the Town Council shall have passed any by-law or by-laws directing work to be done within the said town, or in any part thereof, and any proprietor shall be unable, from absence, poverty or any other cause, to perform the said work, it shall be lawful for the said Council to cause the work which such proprietor may be bound under such by-laws to perform to be done ; and in all cases the sum so expended by the Council shall remain a lien upon the property, as a special and privileged hypothec in preference to all other debts whatsoever, and shall be recoverable in the same manner as the taxes due to the said Council, with interest at the rate of eight per cent. ;

Case of absentee proprietor of vacant ground provided for.

3. 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 two years, then it shall be lawful for the said town Council, without having obtained a judgment before any Court of Justice, to sell and dispose of such property by public sale, or so much thereof

thereof as shall be judged sufficient for the payment of the sum due, with costs; and the Secretary-Treasurer after having been authorized by a resolution passed by the said Town Council, may, and shall with the view of effecting such sale, prepare, on or before the fifteenth day of the month of November, according to such authorization, a statement of all the assessments and taxes remaining unpaid upon the collection rolls for two years and over, with the particulars therewith connected, including the amount or balance due upon all judgments obtained against such person as proprietor or occupant of such land, or otherwise, within the limits of the said town, either for taxes or for penalties due and incurred under this Act; and in such statement he shall shew, opposite to each debt, the reason why he could not collect the same by inserting the words "non-resident" or "no personal property to seize," as the fact is, and a designation of the lots or parcels of land, giving the name of the street and the number of the lot, or the bounds, limits, and abuttals thereof, in respect of which such assessments or other debts are due;

Mode of effecting sale of ground.

4. And after having completed the said statement of assessments and debts due on the collection rolls, at the time and in the manner aforesaid, the Secretary-Treasurer of the said town shall cause to be inserted, at least three times in the course of the month of December or January following, in at least one newspaper published in the district of Richelieu, or in an adjoining district, if there be none published in the former, an advertisement in the French and English languages, containing a list of all the lots or parcels of land respectively, upon which the assessments, debts or other claims in the said statement mentioned, remain due, shewing opposite the designation thereof, whether by the name of the street and the number of the lot, or by the bounds, limits and abuttals thereof, the amount to be raised for the discharge of such assessments and claims, including all expenses and costs then known, established and fixed by the tariff made by the Council of the said town, and announcing that all such lots or parcels of land, together with the buildings thereon, if such there be, will be publicly sold and adjudged to the last and highest bidder, on such a day in the month of February or March following, at the place at which the sittings of the said Town Council shall for the time be held, to obtain payment of such assessments and other claims; and he shall also give notice of each sale, in the manner required before proceeding to the election of Councillors for the said town; every such notice shall specify the place, the day and the hour at and on which such sale will commence; and all the lots so announced for sale in the town, may be included in one and the same statement, and one and the same advertisement;

Advertising ands for sale with description thereof.

Further notice.

5. The lands, movables or effects to be sold in virtue of the provisions of this Act, for the payment of taxes or other claims, shall

Sale by auction.

shall be offered for sale at public auction ; but they shall be exempt from auction duties, and it shall not be necessary that they shall be sold by a licensed auctioneer ;

By a Bailiff.

Proviso : for redemption.

Condition of payment to purchaser.

Proviso : as to surplus of price.

As to hypothecs.

Surplus.

Contested claims.

6. At and on the place, day and hour fixed for the sale of the lots or parcels of land, the Secretary-Treasurer shall employ, to effect such sale, a bailiff residing in the said town of Berthier, who shall be specified to him by the said Council ; provided always, that all proprietors of real property, sold under the authority of this Act, shall be entitled to resume such property within one year from the day of such sale, on paying to the purchaser, the entire amount of the purchase money with legal interest thereon, and the amount of the necessary outlay made on such real property, by order of the said council in virtue of this Act ; upon the condition, however, that such purchaser shall have maintained the said property in the same state and condition in which it was at the time of the purchase, and shall neither have stripped it nor allowed it to deteriorate ; and, moreover, the costs incurred in making such sale, and ten per cent, besides the interest, both on the amount of the purchase-money and on the outlay aforesaid ; provided also, that if, after such sale of property, any surplus of money remains over and above the amount due to the said Council for assessment and costs, the said Secretary-Treasurer shall deposit such surplus, to whatever sum it may amount, in the funds of the said town as a loan, at interest at the rate of ten per cent per annum, until such money is demanded or reclaimed by those to whom it belongs, to whom such money shall be paid ; if, however at the time of the sale there exist any charge and hypothecary and privileged claim on the land sold, in whole or in part, the said council, after having ascertained the fact by the certificate of the Registrar of the County of Berthier, and after the expiration of the delay hereinbefore granted for the redemption of such land, shall by preference apply the said surplus money, both principal and interest, after deducting the costs incurred by the council, to the discharge of the said claims and charges, according to their respective order of priority in conformity with the law ; and then if any money still remains, it shall be returned and paid to the person or persons who were proprietors of the land at the time of sale, or to such other persons as may be entitled thereto ; but in case contestations should arise among the hypothecary creditors, and any doubt should exist as to their respective rights of priority or privileges, or between the latter or any of them, and the proprietor of the land sold with respect to such claims or charges, the said Council shall be entitled to retain, in whole or in part, the surplus remaining after the sale, after the said assessments and debts owing to the Corporation have been discharged, together with the costs incurred as aforesaid, until the rights of the parties shall have been decided upon by a Court of competent jurisdiction.

7. If the highest bidder does not, upon the day of sale, pay *Folle enchère.* the amount of the purchase money, the Secretary-Treasurer shall adjourn the sale to another day, not later than one week, by giving to all persons present notice of the adjournment of the sale in loud and intelligible language, and on the day of the sale so adjourned, the Secretary-Treasurer shall again offer the real property for sale, and shall sell it in whole or in part, unless, in the interval, the first purchaser shall have paid the amount of all the assessments and claims owing upon the real property ;

8. Upon payment by the highest bidder of the amount of the purchase money, the Secretary-Treasurer shall give him a certificate under his hand, specifying the particulars of the sale, and the highest bidder shall then be seized of the lot or parcel of land adjudged, and may take possession thereof ; *Certificate on payment.*

9. Every such certificate shall be in duplicate ; one duplicate shall be given to the person who shall have paid the purchase money, and the other shall remain of record in the office of the Secretary-Treasurer ; *In duplicate.*

10. Every such certificate or a copy thereof, certified by the Secretary-Treasurer, shall be evidence of the payment therein mentioned, and after having been registered at the office of the proper Registrar, shall insure to the person therein mentioned, his heirs, and assigns, a privilege and hypothec, taking precedence over all other claims against the lot or parcel of land so sold, for the reimbursement of the sum which shall be therein specified, with interest at the rate of six per centum per annum, reckoning from the date of the certificate, except over *cens et rentes* or *rentes constituées* representing *cens et rentes*, as provided by the Consolidated Seigniorial Act and the Acts amending the same ; *Effect of registration of certificate.*

11. If, at the expiration of one year from the day of adjudication, the real property so adjudged has not been redeemed as hereinbefore mentioned, then the Secretary-Treasurer shall, on the application of the highest bidder, his heirs, representatives or assigns, and on proof of the payment of the arrears of all other assessments which shall have become payable in the interval, execute, in due notarial form, a contract of sale conveying, in the name of the corporation of the town, the property so adjudged to the highest bidder, his heirs or assigns ; *Title deed if not redeemed in one year.*

12. Such contract of sale shall be a translatory title to such real property, and shall convey to the highest bidder not only all the primary rights of property, but shall also have the effect of liberating such real property from all privileges and hypothecs whatsoever with which it may be charged, with the exception of *cens et rentes* or *rentes constituées* representing *cens et rentes*, as provided by the Consolidated Seigniorial Acts and the Acts amending the same. *Effect of such deed.*

Additional By-laws.

37. The Town Council shall also have power to make by-laws for the following purposes :

Gaol or lock-up house.

1. For founding, establishing and regulating a town gaol or lock-up house for the confinement, from time to time, of persons transgressing the by-laws of the said Council, or found guilty of vagrancy or other misdemeanors ;

Water-courses.

2. To regulate and specify the direction of water-courses coming from other municipalities and passing within the limits of the said town ;

Local extent of By-laws for certain purposes.

3. All by-laws made by the said Council in relation to the preservation of public peace and order, and the duties and powers of the police shall be effectual and executory not only against any person for any offence committed within the limits of the said town, but also for any offence committed upon that part of the river forming the front boundary of the said town, or upon one-half of the part of the River St. Lawrence situated between the said town and Isle Randin or Isle de la Commune

Assessment may be remitted in certain cases.

38. The said Council shall have power to remit to indigent persons assessed under this Act, a portion or even the whole of the amount due for assessment in certain cases of fire, which the said Council shall deem reasonable and sufficient.

Penalties for infringing By-laws, how punishable, &c.

39. If any person shall transgress any order or rule or by-law 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 by-law, with the costs to be allowed by the Justices of the Peace who shall try such offence, in accordance with the tariff then in force for the fees of the officers of the said Justices of the Peace, to be levied on the goods and chattels of the offender ; 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 ; 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 Berthier ; provided always, that the information and complaint for any breach of any order or by-law of the said Town Council shall be made within three months 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 them for sale on the markets, or in the streets of the said Town, and infringing at the same time the by-laws of the said Council

Imprisonment.

Witnesses.

Proviso.

Exposing to sale, and infringing By-laws.

as regards the weight and quality of such goods, articles and provisions.

40. All the debts hereafter due to the said Town Council for all taxes or assessments imposed on movable or immovable property in the said Town, by virtue of this Act, shall 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, be collocated in preference to all other creditors; provided that such privilege shall only apply to assessments which have become due within two 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.

Taxes and assessments shall be privileged debts.

41. All the fines and penalties recovered under the provisions of this Act, shall be paid into the hands of the Secretary-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 Town, unless otherwise provided by some other Provincial Act or Statute.

To whom penalties, &c., shall be paid.

42. Before any By-law of the said Town Council shall have force or be binding, such By-law shall be published in the French language, by reading the same at the door of the catholic church of the parish of Berthier, in the said District of Richelieu on the two Sundays next after the passing of such By-law, and by posting up a copy thereof in two of the most public places in the said Town.

By-laws, &c., to be published.

43. 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.

Council may effect loans.

44. 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

Duties of Council with respect to loans.

Sinking Fund.

Proviso : in certain cases no new loan to be contracted.

Proviso : investment of Sinking Fund.

which may accrue thereon, until it shall be 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 lenders 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.

Powers of constables in certain cases.

45. It shall be lawful for any constable 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 or idling in any such place, and shall not give satisfactory reasons for his conduct ; and such person shall be brought before the Mayor or other Magistrate, to be dealt with according to law.

Persons assaulting constables in the execution of their duty, how dealt with.

46. 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, or 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 such officer, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

Proviso.

Properties exempt from taxation.

47. The following property shall be exempt from taxation in the Town of Berthier :

1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, officer 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 charitable or educational establishments ;

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 under the Government, 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 assessments shall be paid by the said tenants or occupiers thereof.

Proviso : exemption not to extend to Crown property leased to private parties.

48. 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 common seal of the said Council.

Certificates for tavern licenses to be granted by Council only.

49. 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.

Limitation of action for things done under this Act.

50. 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, giving to such persons a reasonable delay for the purpose, which delay shall be specified 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.

Encroachments on public streets or squares.

51. 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

Penalty for granting false receipts for

the

rent in order to
lessen taxes.

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 or less, or to imprisonment during one calendar month or less, according to the judgment of such Mayor or Justice of the Peace.

Council may
prevent re-
erection of
buildings in
certain cases.

52. 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 such 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, 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
acquire lands
for certain
purposes.

53. The said Council shall have full 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 the erection of any public building, or generally for any object of public utility of a municipal nature.

Arbitration in
cases of dis-
agreement as
to the value
of property
taken for town
purposes.

54. When the proprietor of a lot, which the said Council shall be desirous of purchasing, for any object of public utility of a municipal nature, shall refuse to sell the same by private agreement, 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 wives *sous puissance de maris*, the said Council, after sufficient notice given to the said proprietor, may apply to the Circuit Court sitting in and for the County of Berthier, 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 such arbitrators, before proceeding to such valuation, shall give to the said Council and the said proprietor sufficient notice of the day, hour and place when they

they will proceed to such valuation and the hearing of the parties in the case; 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 Clerk of the said Circuit Court, or of the Prothonotary of the Superior Court in and for the district of Richelieu, for the use of the person entitled thereto; and if no such person entitled to such indemnity shall appear within six months after such amount shall have been deposited in the hands of such Clerk or Prothonotary, to claim the sum so deposited, it shall be lawful for the said Clerk or 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 Mayor and to the Secretary-Treasurer of the said town to pay the same.

55. 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:

Penalties for refusal to accept office.

The office of Mayor, thirty dollars:

Mayor.

The office of Councillor, twenty dollars:

Councillor.

2. Whenever the valutors 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 for each day, which shall elapse between the expiration of the said period of three months, and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be appointed;

On valutors neglecting their duties.

3. Every member of the 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 required of, or imposed upon him by this Act, shall incur a penalty not exceeding twenty dollars, and not less than four dollars;

Penalties for refusing to perform duties of office.

For voting
without quali-
fication.

4. Any person who shall vote at any election of 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 ;

On inspectors
of roads for
neglect of
duty.

5. Every inspector or officer 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, unless some other and heavier penalty be by law imposed on him for such offence ;

Penalties for
hindering
officers in the
performance of
their duties.

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, for every such offence, over and above any damages which he may be liable to pay ;

Persons de-
facing notices,
&c.,

7. Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document, required by this Act or by any By-law or order of the said Council 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.

Penalties how
to be recovered.

56. All the penalties imposed by this Act, or by any By-law made by the Council, may be recovered before the Circuit Court in and for the County of Berthier or before any Justice of the Peace residing in the said Town by a suit or action brought by the Mayor or a Councillor in the name of the Corporation ; 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.

Public Act.

57. This Act shall be deemed a Public Act.

C A P . L X I I .

An Act to amend the Act for the erection of the Municipality of Kingsey Falls.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS certain inhabitants of the Township of Kingsey have, by petitions, prayed for amendments to the Act to erect the new Municipality of Kingsey Falls : Therefore, Her Majesty, by and with the advice and consent of

of the Legislative Council and Assembly of Canada, enacts as follows :

1. From and after the first day of January, one thousand eight hundred and sixty-six, the first eleven lots of the ninth range of the Township of Kingsey shall be detached from the Municipality of the said Township and attached to the Municipality of Kingsey Falls, for all municipal purposes.

Certain portion of township of Kingsey annexed to Kingsey Falls.

2. Nothing in this Act contained shall have the effect of liberating any portion of the territory so detached from any debts or obligations contracted previous to the passing of this Act by the Municipality to which it belonged.

Provision as to existing debts.

3. This Act shall be deemed a Public Act.

Public Act.

C A P . L X I I I .

An Act to confirm the existing survey of the Township of Bulstrode, County of Arthabaska

[Assented to 13th September, 1865.]

WHEREAS the inhabitants of the Township of Bulstrode have, by petition, prayed for the passing of an Act to confirm the survey of the said township, at present recognized ; and whereas the inhabitants settled on the lands therein, are unanimous in that prayer, to avoid the inconveniences to which they would be subjected by an alteration of the original survey : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The survey made by James Marshall Parkin, Esquire, Provincial Land Surveyor, in the year one thousand eight hundred and thirty-seven, in so far as it relates to all lots of land in the Township of Bulstrode, from lot number sixteen to lot number twenty-eight, both inclusive, in all the ranges of the said township, and the survey made by J. B. Legendre, Esquire, Provincial Land Surveyor, in one thousand eight hundred and thirty-eight, in so far as relates to lots numbers ten, eleven, twelve, thirteen, fourteen and fifteen, of the twelfth range of the said Township, are hereby ratified and declared to be the surveys whereby all the division lines between the said lots of land shall be drawn, to establish the limits of each one of them for all purposes whatsoever.

Existing survey of township of Bulstrode confirmed.

2. Nothing contained in the present Act shall be construed as to give to any of the proprietors of the Territory so surveyed and ratified, a right to claim compensation from the Government for any deficiencies in the areas of the lots.

No claim for compensation.

3. This Act shall be deemed a Public Act.

Public Act.

C A P .

C A P . L X I V .

An Act to confirm a Survey of a portion of the Township of Ely, in the County of Shefford.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it appears, by the petition of certain proprietors and occupants of land in the Township of Ely, in the County of Shefford, in Lower Canada, that the original Survey of the said Township was changed in the year one thousand eight hundred and forty-three, by a new Survey made, of a certain portion thereof, by Oliver Wells, Esquire, Provincial Land Surveyor, and that parties have bought and sold lands, and that settlements and improvements have been made according to the Survey so made by the said Oliver Wells, and that the Municipal Council of the said Township has laid out and made roads on the range and division lines established thereby; and whereas the petitioners further represent that Robinson Oughtred and Michael Mitchell, Esquires, Provincial Land Surveyors, have recently examined and verified, and prepared a report and plan of the alterations in the original Survey so made by the said Oliver Wells, and have prayed that the Survey so made by the said Oliver Wells, as verified and set forth by the plan and report thereof, made by the said Robinson Oughtred and Michael Mitchell may be legalized, confirmed and established, by authority of the Legislature, as the true Survey of that part of the Township affected thereby, 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:

Survey made by Oliver Wells, in 1843, as modified by Oughtred and Mitchell confirmed.

1. The Survey of that part of the Township of Ely, in the County of Shefford, which was made by Oliver Wells, Esquire, Provincial Land Surveyor, in the year one thousand eight hundred and forty-three, as modified and established by the plan and report thereof, made by Robinson Oughtred and Michael Mitchell, Provincial Land Surveyors, and also the proposed boundary lines and limits designated on the said plan by the dotted lines marked A, B and C, shall be and they are hereby declared to be the true and unalterable Survey of that part of the Township of Ely, to which the said plan and report relate; and the monuments planted by the said Provincial Land Surveyor, Oliver Wells, as indicated in the plan of the said Survey made by the said Robinson Oughtred and Michael Mitchell, to designate the limits and angles of the respective lots in the said portion of the Township of Ely, shall be and they are hereby declared to be the true and unalterable limits and angles of the respective lots therein, any law, usage or custom to the contrary notwithstanding; and one copy of the report and plan, made by the said Robinson Oughtred and Michael

Deposit of copies of plan.

Michael Mitchell, of the said survey made by the said Oliver Wells, shall be deposited in the Office of the Commissioner of Crown Lands, and another copy in the Office of the Registrar for the County of Shefford.

2. But no proprietor in the said Township shall be entitled to claim indemnity from the Commissioner of Crown Lands for any deficiency of lands occasioned by the operation of this Act. No claim against Crown Lands allowed.

3. This Act shall be deemed a Public Act. Public Act.

C A P . L X V .

An Act to facilitate the separation of the County of Renfrew from the County of Lanark.

[Assented to 18th September, 1865.]

WHEREAS the County Council of the United Counties of Lanark and Renfrew and the Provisional Council of the County of Renfrew, have prayed for the passing of an Act to relieve the Provisional Council of Renfrew from the delay which will arise in the complete separation of the County, in consequence of the non-completion of the county buildings; And whereas the said buildings are partially erected, and are expected to be completed by the first of December next; and it is expedient to grant the prayer of the petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. So soon as the Provisional Council of the County of Renfrew shall have provided the necessary public buildings at the county town to the satisfaction of the Governor in Council, and shall have entered into an agreement with the County of Lanark, for the payment to the said county of such part of the debt of the said United Counties of Lanark and Renfrew, if any such there be, as may be just, and for the determining the amount to be so paid and the times of payment, the Governor shall have authority to appoint the necessary officers and to issue a Proclamation declaring the said union dissolved, upon, from and after a day to be named therein; Provided always, that the aforesaid agreement may be entered into before the said public buildings are provided, notwithstanding anything to the contrary in chapter fifty-four of the Consolidated Statutes for Upper Canada; and provided further that the Consolidated Municipal Loan Fund liability of the said Counties and any agreement relating thereto, if such shall be entered into, shall be regulated by the provisions of the Statutes in that behalf. So soon as County buildings are prepared, &c., Governor may dissolve union of Lanark and Renfrew. Proviso.

Cap. 54 Con.
Stat. U. C. to
apply.

2. The several provisions contained in the fifty-fourth chapter of the Consolidated Statutes for Upper Canada, intituled : *An Act respecting the Municipal Institutions of Upper Canada*, and applicable to the separation of a junior county from a senior county, except in so far as the same require and provide that such separation shall take effect on the first day of January next after the end of three months from the date of the Proclamation, are hereby declared to have applied and to apply to the separation of the County of Renfrew from the County of Lanark, and the provisions of chapter thirty-one of the Consolidated Statutes for Upper Canada, respecting jurors and juries, in relation to the preparation of jurors' books, upon the dissolution of any union of Counties, and generally the provisions of any Act or Acts amending the aforesaid Acts or in anywise relating to proceedings consequent upon such dissolution, shall apply to the separation of the Counties of Lanark and Renfrew effected in pursuance of this Act.

And cap. 31 as
to jurors.

Public Act.

3. This Act shall be deemed a Public Act.

C A P. L X V I.

An Act to facilitate the separation of Huron and Bruce, and to appoint Walkerton the County Town of the County of Bruce.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS doubts and difficulties have arisen, which make it expedient and necessary to make better provision for the separation of the United Counties of Huron and Bruce, and to appoint a County Town for the County of Bruce : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

27 & 28 Vic., c.
77, repealed.

1. The Act passed in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter seventy-seven, is hereby repealed, but all Acts repealed by the said Act shall, nevertheless, remain repealed.

By-law ap-
pointing Build-
ing Committee
in Bruce legal-
ized.

2. The By-law of the Provisional Council of the County of Bruce, passed on the twenty-second day of February, one thousand eight hundred and sixty-five, appointing a Building Committee to proceed with the erection of County buildings at Walkerton, and all acts, proceedings and expenditures done, taken and made in pursuance thereof, are hereby legalized and declared valid, notwithstanding any proceeding taken or had to quash or set aside the said By-law, and the appropriation of the sum of six thousand pounds provided by By-laws of the said Council for the erection of County buildings, (which By-laws, and all debentures issued under such By-laws, shall be good

good and valid to all intents and purposes,) shall be applied towards the erection of County buildings at Walkerton, which is hereby declared to be the County Town of and for the said County of Bruce.

Walkerton to be the County Town.

3. Notwithstanding anything to the contrary contained in the forty-sixth and subsequent sections of Chapter fifty-four of the Consolidated Statutes for Upper Canada, the said Provisional Council may, before the said County buildings are completed, enter into an agreement with the County of Huron for the payment of such part of the debts of the Union as may be just, and for determining the amount to be paid and the times of payment; and such agreement shall be made in the manner provided in such cases in the said chapter fifty-four of the Consolidated Statutes for Upper Canada, and shall have the same effect as if made after the completion of the County buildings.

Agreement may be made between Huron and Bruce for payment of the debt of the United Counties.

4. It shall be lawful for the Governor in Council at any time after the passing of this Act, on being satisfied that the accounts between the said Counties have been adjusted, that the Gaol for the County of Bruce has been completed, and that the Court House is in course of erection, and adequate temporary accommodation provided by the said Provisional Council for holding the courts for the said County of Bruce, and without its being requisite that the County Court House should be first completed, to separate the County of Bruce from the County of Huron, by Proclamation, and such separation shall take effect from and after a day to be named therein, notwithstanding anything to the contrary in the fifty-first section of the Act last above cited.

Proclamation for separation may be issued when to take effect.

5. The provisions of chapter thirty-one of the Consolidated Statutes for Upper Canada, in relation to the preparation of Jurors' Books, upon the dissolution of any union of Counties, and generally the provisions of any Act or Acts in anywise affecting or relating to the proceedings consequent upon such dissolutions, shall apply to the separation of the Counties of Huron and Bruce, effected in pursuance of this Act.

Application of law respecting jurors.

6. The said Provisional Council of the County of Bruce, shall pay all such costs as between solicitor and client, and charges and expenses incurred by the plaintiffs or relators, in reference to any legal proceedings before the passing of this Act, as shall be taxed by the public officers against the said Provisional Council, by reason of their having passed or acted upon the By-law hereby confirmed, or their having proceeded to erect the said County buildings at Walkerton as aforesaid, or by reason of any thing done by the said Council, and hereby legalized, and all such proceedings shall be stayed, and shall not be further proceeded with after the passing of this Act.

Costs on certain legal proceedings to be paid by Bruce.

Proceedings stayed.

7. This Act shall be deemed a Public Act.

Public Act.

CAP. LXVII.

An Act to legalize certain By-laws and Debentures of the County of Victoria.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS doubts have arisen as to the legality of certain By-laws of the Corporation of the County of Victoria, authorizing the raising of certain sums of money for purposes therein mentioned, by the issue of Debentures, and as to the validity of the Debentures issued under and by virtue of such By-laws, and it is necessary and expedient in the interests of the public and the holders of such Debentures, that all such doubts should be removed, and that all the said By-laws and the Debentures issued under them should be legalized and made valid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

Certain by-laws of the County of Victoria declared valid and binding.

1. For and notwithstanding all such doubts as aforesaid, and any irregularities in the passing thereof, or in matters preliminary to such passing, or any insufficiency at law either in form or substance, the following By-laws of the Corporation of the County of Victoria, namely: By-law number two, intituled: "A By-law to raise, by way of loan, the sum of twenty thousand dollars, for purposes therein mentioned;" By-law number five, intituled: "A By-law to raise, by way of loan, twenty thousand dollars, for purposes therein mentioned;" By-law number twelve, intituled: "A By-law to raise, by way of loan, twenty thousand dollars, for purposes therein mentioned;" and By-law number thirty-eight, intituled: "A By-law to raise, by way of loan, the sum of sixteen thousand dollars, for certain purposes therein mentioned," are hereby legalized and made valid and binding upon the said Corporation and all parties concerned therein; and the same and each of them shall be held to have been good and valid from the time of the passing thereof, respectively; and all assessments, levying and collecting of rates, and payments made, and all Debentures issued, and proceedings and dealings heretofore made and had or hereafter to be made, had or taken under all or any or either of the said By-laws, are also hereby legalized and made valid.

And also all assessments, Debentures issued and proceedings had in virtue thereof.

Public Act.

2. This Act shall be deemed a Public Act.

C A P . L X V I I I .

An Act to legalize certain Assessments in the City of Toronto and to enable the said City to recover the Taxes rated and charged.

[Assented to 18th September, 1865.]

WHEREAS the Corporation of the City of Toronto have, Preamble.
by their petition, set forth, that certain persons owning unoccupied lands within the said City, but not resident therein, were, during the year one thousand eight hundred and fifty-seven and subsequent years, placed on the Assessment Rolls without their assent, and in consequence thereof the taxes rated and charged against such unoccupied lands cannot be recovered by law; and whereas such lands should have been assessed as lands of non residents; and whereas the said Corporation have prayed that the said assessments be legalized, so that the said lands may be liable for the taxes so rated and charged as aforesaid; and whereas it is reasonable and proper 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. For and notwithstanding anything in the assessment law contained, every assessment informally made in the City of Toronto as hereinbefore recited of lands of non-residents in the year one thousand eight hundred and fifty-seven, and each subsequent year to the year one thousand eight hundred and sixty-four inclusive, and the assessment rolls relating thereto, are hereby declared to be legal and valid, and the lands and property so assessed to be liable for the assessment so made and hereby legalized; Assessment Rolls from 1857 to 1864, confirmed.
Provided always that the Corporation of the City of Toronto shall cause notice to be transmitted by post on or before the first day of January one thousand eight hundred and sixty-six, to every person so informally assessed, stating the yearly value at which his real property, and the sum at which his personal property or income has been assessed, and that the same may be appealed under the provisions of the assessment law, before the Court of Revision for the year one thousand eight hundred and sixty-six, and thereupon the Court of Revision, and the Judge of the County Court are hereby authorized and empowered, to proceed on the trial of such appeals, as if such assessments were on the assessors roll for the current year, and after the same has been finally revised, the clerk of the corporation of the said city shall make up and deliver to the collector a separate supplemental roll in which he shall enter the lands so informally assessed as aforesaid, but pursuant to the mode prescribed by the assessment law, and thereafter and upon receipt of such roll, the collector shall proceed to collect the taxes therein mentioned, as if the same Proviso, notices to be sent by post to parties informally assessed.
Appeal allowed.
Collection of rates.
were

were a collectors roll of taxes due by non-residents, and the corporation of the City of Toronto shall in respect thereof have all the rights and powers, as are by the assessment law given in respect to the collection of taxes due by non-residents; and the provisions of all the assessment laws of this Province in respect to the assessment of lands or property of non-residents, shall apply to the lands and property so informally assessed as aforesaid; Provided always, further, that the period of time after which any such lands may be sold for taxes, under any law of this Province shall commence and be computed, as if the said lands had severally been assessed in the year one thousand eight hundred and sixty-six; Provided also that this Act shall not affect any lands which have been sold and conveyed by the owners thereof after the assessment as aforesaid and before the passing of this Act.

Proviso: sales
for taxes.

Proviso.

Public Act.

2. This Act shall be deemed a Public Act.

C A P . L X I X .

An Act to vest the York Roads in the County of York,
and to relieve the County of Peel from all liability
therefor.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the County Council of the United Counties of York and Peel became the purchasers, from Her Majesty, of the Roads within the said United Counties commonly called and known as the York Roads, for the sum of seventy-two thousand and five hundred dollars :

And whereas since the said purchase the said County of Peel has been separated from the said County of York, and both of the said Counties have petitioned that the said York Roads may be vested absolutely in the County of York, and that the County of Peel may be completely exonerated from the payment of, and all liability for, the said purchase money, and it is desirable to grant the prayer of the said petitioners : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

York Roads
vested in Coun-
ty of York.

1. The roads commonly called and known as the York Roads, purchased from Her Majesty by the County Council of the late United Counties of York and Peel, with all the tolls, rights, franchises, privileges, easements and appurtenances thereto belonging, shall be and are hereby vested absolutely in the County of York, free from all claim of the County of Peel, as fully and effectually as if the said York Roads had been purchased from Her Majesty by the County of York alone.

2. The County of Peel shall be and is hereby exonerated and discharged from the payment of the purchase money, and every part thereof, of the said York Roads, and no rate or tax shall be assessed, levied or made in the said County of Peel, on any rateable property in the said County of Peel, for the said purchase money or any part thereof, nor shall the County of Peel be, in any other manner, liable for the said York Roads.

County of Peel exonerated from payment of purchase money of roads.

3. The whole of the said purchase money of the said York Roads shall be paid to Her Majesty by the said County of York alone, and shall be assessed, raised and levied, when required, upon the rateable property in the County of York alone, and all agreements, by-laws and debentures, made by the said United Counties of York and Peel in respect to the purchase of the said Roads, and for the payment of the purchase money therefor, shall be deemed and taken to be, and they are hereby declared to be, the agreements, by-laws and debentures of the County of York alone, and shall be as valid and binding upon the said County of York as if they had been made by the County of York alone.

The whole of such money to be paid by County of York.

4. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X .

An Act to authorize the Town of St. Mary's to issue Debentures for redeeming their outstanding Debentures, for which no Sinking Fund has been provided.

[Assented to 18th September, 1865.]

WHEREAS the corporation of the Town of St. Mary's have petitioned to be authorized to issue a certain number of debentures for the purpose of redeeming the outstanding debentures of the said Town, for which no sinking fund has been provided, and which debentures were issued under several by-laws, numbered respectively One, Two and Three; number One passed on the sixteenth day of June, one thousand eight hundred and fifty-six, for the purpose of building a school-house, for making side-walks, grading streets, and building bridges; number Two passed on the twenty-fifth day of July, one thousand eight hundred and fifty-seven, for the purchase of a fire-engine, for a school-house, and for other public purposes; and number Three, passed on the twenty-seventh day of February, one thousand eight hundred and fifty-eight, for the purpose of taking stock in the St. Mary's and Exeter gravel road; 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 Corporation of the Town of St. Mary's may pass a by-law or by-laws for authorizing the issue of debentures of the said

New debentures may be issued to said

redeem those
outstanding
under certain
By-laws.

said town, for a sum not exceeding in the whole thirty thousand dollars, to redeem certain debentures, issued under the aforesaid by-laws passed in the years one thousand eight hundred and fifty-six, one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight, and numbered in the books of the corporation One, Two and Three, and falling due as follows :

£5,000 in the year 1866.

£1,500 in the year 1868.

£1,000 in the year 1873.

Not to be
subject to sect.
224 of municipi-
al Act U. C.

And it shall not be necessary with respect to any such by-law, to comply with the provisions of section two hundred and twenty-four of Chapter fifty-four of the Consolidated Statutes for Upper Canada, which requires the assent of the electors of the Municipality ; and the corporation may repeal the said by-laws, numbered One, Two and Three, so far as regards the levying of rates imposed by such by-laws, for the redemption of such original debentures and the payment of interest on the same.

Form, period of
payment, rate
of interest, &c.

2. The debentures to be issued under the preceding section of this Act, shall be made payable not more than twenty years after the date thereof, and at such place or places in this Province, and shall be for such sum or sums not less than one hundred dollars each, and in provincial or other currency, and shall bear interest at such rate, not exceeding eight per cent. per annum, as the corporation of the town may think fit.

Loan on said
Debentures.

3. The corporation of the said Town may raise, by way of loan, upon the credit of the said debentures to be issued under the first section of this Act, a sum of money not exceeding in the whole the sum of thirty thousand dollars, and a rate of interest not greater than eight per centum per annum may be received thereon and be payable thereby.

Treasurer to
call in outstand-
ing debentures.

4. The Treasurer of the Corporation shall, on receiving instruction so to do from the Council, call in such outstanding debentures and liabilities mentioned in the Preamble of this Act, and shall discharge the same with the funds raised upon the debentures issued under the by-law to be passed under the provisions of this Act, or may substitute therefor the said Debentures, or any of them hereby authorized to be issued under the by-law to be passed under the provisions of this Act, as may be agreed upon between the Corporation and the holders of such outstanding debentures, or other the said creditors of, or claimants upon, the corporation.

Special rate for
payment of
debentures
under this Act.

5. For payment of the debentures to be issued under the by-law to be passed under the provisions of this Act, the Council shall, and they are hereby required to impose a special rate per annum (over and above, and in addition to, all other rates

to be levied in each year, and over and above the interest to be payable on such debentures), which shall be sufficient to form a sinking fund of two per centum per annum for that purpose.

6. The Council shall, and it shall be the duty of the Treasurer to invest, from time to time, all moneys raised by special rate for the sinking fund provided in this Act, either in the debentures to be issued under this Act, or in any debentures issued by the Government of Canada, or in such other securities as the Governor of this Province may by Order in Council direct, and all dividends or interest on the said sinking fund shall be applied to the extinction of the loan authorized to be raised under this Act.

Investment of such rate as a Sinking Fund.

7. The provisions of the two hundred and twenty-fourth section of chapter fifty-four of the Consolidated Statutes for Upper Canada, respecting Municipal Institutions, or any provision in the said chapter inconsistent with this Act, shall not apply to this Act nor to any by-law or by-laws to be passed under the authority thereof.

Sect. 224 of municipal Act of U. C. not to apply.

8. The proceeds of the debentures aforesaid, shall be applied to the redemption of the debentures issued by the town, and the payment of interest accruing as stated in the first section of this Act, as they respectively fall due, and for no other purpose whatever.

Application of proceeds of debentures.

9. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X I .

An Act to amend the Act incorporating the Village of Mitchell, in the County of Perth.

[Assented to 18th September, 1865.]

WHEREAS the Corporation of the Village of Mitchell, in the County of Perth, incorporated by the Act passed in the twentieth year of Her Majesty's Reign, chapter one hundred and eight, have, by their petition, prayed that the said Act be amended, by reducing the limits of the said village, in the manner hereinafter mentioned, 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. From and after the last day of December, in the present year of our Lord, one thousand eight hundred and sixty-five, lots numbers eleven, twelve, and twenty, in the first concession of the township of Logan, and lots numbers eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty, in the second concession of the said township,

Certain lots detached from Village of Mitchell and re-attached to Township of Logan.

Certain lots detached from Village of Mitchell and re-attached to Township of Fullarton.

shall cease to form part of the municipality of the said Village of Mitchell, and shall be re-annexed to and form part of the municipality of the said Township of Logan; and the lots numbers twenty-one, twenty-two and thirty, in the first concession of the Township of Fullarton, and lots numbers twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine and thirty, in the second concession of the said township, shall cease to form part of the municipality of the said Village of Mitchell, and shall be re-annexed to and form part of the municipality of the said Township of Fullarton, anything in the second section of the Act cited in the preamble to this Act to the contrary notwithstanding.

Recital.

2. And whereas the said corporation have further represented, that previously to the incorporation of the said village, a debt was incurred by the said township of Logan, and that by a Deed of Settlement between the corporation of the said village and that of the said township, bearing date the fifteenth day of December, one thousand eight hundred and fifty-seven, the corporation of the said village assumed the payment of five hundred dollars a year to the corporation of the said township, for nineteen years, as the share of the corporation of the said village in the said debt; and that the share so assumed was based upon the fact that two thousand acres of the lands of the said township had become included in the said village; and whereas, after the limits of the latter are altered in the manner mentioned in the preceding section, only seven hundred acres of the said lands will be within the village, and they have therefore prayed that the share of the said village in the said debt may be reduced accordingly, which prayer it is right to grant: therefore, at any time after the passing of this Act, the corporation of the said village, and the corporation of the said township of Logan, may each, by resolution, appoint an arbitrator, for the purpose hereinafter mentioned, and if either of them appoint such arbitrator, and the other does not, within five days after notice of such appointment, appoint its arbitrator, the Judge of the County Court, for the county of Perth, shall appoint such arbitrator, on the application of the other corporation, and the two arbitrators appointed as aforesaid, shall appoint a third, or if they cannot agree on such appointment, the said Judge, on the application of either, after five days' notice to the other, shall appoint such third arbitrator, and the said arbitrators shall determine the share of the said debt to be assumed by the said corporation of the village of Mitchell, and the mode and terms of payment of such share, and the award of the said arbitrators, or of any two of them, shall be final and conclusive, and shall bind the said corporation; and the said deed of settlement shall cease to have effect from and after a day to be named in such award, which shall be notified to each of the said corporations by the arbitrators concurring therein.

Corporation of Village and Township to appoint arbitrators.

Appointment of third arbitrator.

Award.

Public Act.

3. This Act shall be deemed a Public Act.

CAP. LXXII.

An Act to establish certain Road Allowances and Highways in the Township Hamilton.

[Assented to 18th September, 1865.]

WHEREAS the Municipal Corporation of the Township of Hamilton, in the County of Northumberland, have petitioned to have certain road allowances and highways, within the said township, established by law, irrespective of the original survey, and it is deemed advisable to grant 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. It shall be lawful to and for the Corporation of the Township of Hamilton, within one year after the passing of this Act, to direct a survey of Concessions A and B, and the first, second and third Concessions of the said Township of Hamilton to be made according to law by Edward C. Caddy, of the Town of Cobourg, Provincial Land Surveyor, and in case of his death or inability to make the same, by some other competent Provincial Land Surveyor, for the purpose of ascertaining the true courses and positions of such of the allowances for roads in the said concessions, over which the said Corporation has jurisdiction and control, and of the division lines between the several lots in the said concessions.

Municipal Council of Hamilton to cause a survey to be made of certain concessions.

2. The several road allowances in the said concessions (except those within the limits of the Town of Cobourg) as travelled in January, one thousand eight hundred and sixty-three, and improved by statute labor or otherwise, shall be marked with proper cut-stone monuments at the front and rear angles thereof, by the said Caddy, and in case of his inability or death as aforesaid, by some other competent Surveyor, and shall thereafter be taken to be and to have been the true and unalterable Government allowances and public highways, and shall be marked, if they are not now, one chain in width between the several lots whether the same are or are not parallel to the governing lines of the several concessions.

Road allowances travelled in Jan., 1863, to be deemed to be the true allowances.

3. The true position of the allowances for roads in the said concessions (except as aforesaid) not now opened throughout and travelled upon, shall be likewise ascertained and marked by the said Caddy, with proper cut-stone monuments placed as aforesaid, as also the true and correct position of the division lines between the said lots; and the same shall thereafter be taken to be and to have been the true and unalterable allowances and lines and boundaries of the said lots, notwithstanding any occupation or possession thereof, or any part thereof, by any

True position of allowances not now open to be ascertained.

Proviso: as to those partly opened.

any person or persons, any law, usage or custom to the contrary; Provided always, that the allowance or allowances for roads which are now partly opened may, if all parties interested consent, be marked and established throughout by the said Surveyor, on the same course and hearing as the part opened, in which event they shall be taken to be and to have been the true and unalterable allowance or allowances.

Surveyor to make reports and maps.

4. After the completion of the said survey, the said Caddy, or such other competent person, shall make reports and maps thereof, one of which shall be filed in the office of the Commissioner of Crown Lands and the other in the Registry Office of the United Counties of Northumberland and Durham.

Indemnity to owners of lands, when travelled roads are not upon the true original allowance, to be assessed by surveyor.

5. Should it appear, upon such survey made as aforesaid, that the now travelled and improved roads, and which are not to be interfered with, except to be made one chain in width, if not so now, or the course thereof altered,—are not upon the true line of the original allowance for roads in the said concessions or either of them, but wholly or in part upon some one lot or lots, the strip of land between the said travelled roads and the true allowances, together with that part of the true allowance not used for a road, shall be ascertained, and the value thereof assessed by the said Caddy, which shall be paid to the party or parties injured or prejudiced by the said travelled roads, by the owner or owners of the lot or lots adjoining (to which the said strip and road are hereby declared to belong and to be a part thereof) within two years from the date of the notice to be given by the said Caddy, as in this section hereinafter mentioned, with interest thereon after the rate of six per cent. per annum; Provided always, that the said Caddy, or such other competent Surveyor, before he shall assess the value as aforesaid, shall give notice in writing of the time and place when the said assessment shall take place twenty days prior thereto, to the owner or owners of the said lots adjoining the said travelled road or to his or their personal representative or representatives, either by causing the same to be served personally upon him, her or them, or left at his, her or their last or most usual place of abode in this Province.

Proviso: notice to be given.

Mode of proceeding with and recovering the assessment.

6. In case the said party or parties, or his, her or their representatives as aforesaid, shall not object to the assessment as aforesaid of the said Caddy, by notice in writing to be served upon him or left at his usual place of abode, within ten days after the service upon him, her or them, of his intention to proceed with such assessment, it shall and may be lawful for the said Caddy to proceed therewith, and his decision and assessment in writing to be served upon each of the said parties as aforesaid, or his, her or their said representatives, shall be final and binding upon all parties concerned, and the amount of the said assessment shall and may be recovered as a debt after the time of payment thereof, as above mentioned, has elapsed

elapsed (if unpaid) in any Court having competent jurisdiction, against the party or parties adjudged by him to pay the same, upon evidence only that the paper containing the said value and assessment was signed by the said Caddy and served as aforesaid, and until payment thereof, the said assessment; which or a copy whereof may be filed in the Registry Office of the West Riding of the County of Northumberland, shall be a charge and lien on the said strip and road.

7. If either or both of the said parties, his, her or their representative or representatives as aforesaid, shall object in writing within the said ten days, to the assessment being made by the said Caddy alone, and shall appoint and name an arbitrator or assessor to act for him, her or them, and give notice thereof in writing to the said Caddy or such other competent Surveyor, in the form mentioned in the Schedule A, to this Act annexed, marked number one, within the said ten days, the said Caddy or such other person who is hereby appointed one of the arbitrators or assessors to act with the other or others, shall, within ten days after service upon him as aforesaid, of the said notice or notices or the last of them, appoint in writing a time and place (of which each of the said parties or his, her or their representative or representatives as aforesaid, shall have four days' notice) to proceed with the assessment or arbitration, at which time the same shall be proceeded with, unless upon good cause, the said Caddy, or such other competent person, sees fit to put off the same, which he is hereby empowered to do from time to time, and upon such terms as to him shall seem just, and the award or assessment in writing of the said arbitrators or assessors, or any two of them, shall be final and binding upon all parties concerned, and the amount thereof, together with such costs to be specified therein as the said arbitrators or any two of them may allow, shall be paid by the party or parties adjudged to pay the same, within the time mentioned in section five of this Act, and if not then paid the same may be recovered as aforesaid, upon proof only of the execution of the said award or assessment by the said arbitrators or assessors or any two of them, and until paid, the amounts mentioned therein shall be a charge or lien upon the said strips, if filed in the said Registry Office as aforesaid.

Party to be assessed may appoint an arbitrator to act for him.

Mode of proceeding when a joint assessor is appointed.

Award and how enforced.

8. The said Caddy or such other competent Surveyor, upon tender by either of the said parties, his, her or their representative or representatives, of the costs and expenses attending the obtaining of the same, is hereby empowered to cause a subpoena or subpoenas *ad testificandum* or *duces tecum* to be issued out of either of the Superior Courts of Common Law at Toronto, requiring the witnesses to be named therein to appear before him at such time and place as shall be mentioned therein, and any witness or witnesses served therewith as in ordinary cases, and disobeying the same, shall be guilty of contempt of the Court out of which the said subpoena or subpoenas may issue, and may be examined

Mode of summoning witnesses.

examined under oath, which the said Caddy or such other competent person, is hereby authorized to administer; Provided always, that any person whose attendance shall be required, shall be entitled to the like conduct money and payment for expenses for loss of time, as for and upon attendance at any trial of a cause in the said courts.

Corporation to
levy a rate to
defray expense
of survey.

9. The corporation of the said Township shall impose and levy a rate upon the freeholders of the said concessions in proportion to the quantity of land held by them in such concessions, in the same manner as a rate for any sum required for any other local purpose authorized by law, may be imposed and levied for the purpose of defraying the expense of such survey, maps, reports and monuments.

Boundaries
fixed under this
Act to be taken
to the original
boundaries.

10. The several allowances for roads and division lines between lots, when the monuments aforesaid shall have been placed as directed by this Act, shall be taken to be and to have been the original boundaries of the lots in each of the said concessions, whether the same, upon admeasurement, be found to contain the exact width or more or less than the exact width expressed in any letters patent, grant or other instrument, in respect of the said lots or any or either of them; and every patent, grant or instrument, purporting to be for any aliquot part of the said lots or any of them shall be construed to be a grant of such aliquot part of the quantity the same may contain, whether such quantity be more or less than that expressed in such patent, grant or instrument, any aw, usage, or custom, to the contrary, in any wise, notwithstanding.

Assessment to
be made within
three months of
date of notice.

11. The assessment or award mentioned in the preceding sections of this Act, shall be made within three months from the date of the notice mentioned in the proviso to the fifth section of this Act.

Public Act.

12. This Act shall be deemed a Public Act.

SCHEDULE A.

No. 1.

To E. C. Caddy, Esquire,
P. L. S.

Take notice that I object to your assessing the value of the land mentioned in your notice served upon me on the day of _____ and I hereby appoint _____, of _____ my arbitrator or assessor, and agree to abide by and keep the assessment or award in reference to the said lands to be made in pursuance of *An Act to establish certain road allowances and highways, in the Township of Hamilton.*

(Signed)

Dated: _____

CAP. LXXIII.

An Act to amend the Acts relating to the Bank of Upper Canada.

[Assented to 18th September, 1865.]

WHEREAS the Shareholders of the Bank of Upper Canada, at their Annual General Meeting, held on the Twenty-sixth day of June, in the year of our Lord one thousand eight hundred and sixty-five, resolved that application should be made to the Parliament of this Province for certain amendments in the Acts of the said Parliament, under which the said Bank is now carrying on its business, and a Petition hath been presented praying that such amendments may be made, and it is expedient 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. So much of the Seventh Section of the one hundred and twenty-first chapter of the Nineteenth and Twentieth Victoria, intituled: *An Act to amend and consolidate the Acts forming the charter of the Bank of Upper Canada*, as fixes the Twenty-fifth day of June in each year for the day of the Annual General Meeting of the Shareholders of the said Bank, is hereby repealed; and such Annual General Meeting shall hereafter take place on the Twenty-first day of June in each year (except when that day shall be a Sunday or a legal holiday, and then on the next day which shall not be a Sunday or legal holiday,) beginning in the month of June, in the year of our Lord, one thousand eight hundred and sixty-six.

Charter amended as to day of annual General meeting.

2. So much of the Seventeenth Section of the said Act as provided that no Shareholder shall, at the meeting of the Shareholders of the said Bank, be entitled to give a greater number of votes than twenty, is hereby repealed; and from and after the passing of this Act, each and every Shareholder, being a natural-born or naturalized subject of Her Majesty, shall be entitled at such meetings to give one vote for every ten shares above one hundred shares which he or she may own, provided he or she shall have held the same for three calendar months immediately prior to such meeting.

Charter amended as to proportion of votes to shares.

3. The Second Section of chapter Sixty-three of Twenty-fifth Victoria, intituled: *An Act further to amend the charter of the Bank of Upper Canada*, is hereby repealed; and the time for subscribing for new shares of the Capital Stock of the said Bank is extended until two years after the passing of this Act, and for wholly paying up the said shares until three years after the passing of this Act; and if such new shares be not subscribed for and paid within the periods aforesaid, the paid up

Charter amended as to time for subscribing for new shares of stock.

up Capital Stock of the said Bank shall be fixed and remain at such sum as shall then have been actually subscribed and paid for.

Power to reduce number of Directors.

4. The shareholders of the said Bank may in their discretion, if they see fit so to do, by resolution adopted at any general or special meeting, reduce the number of the Directors of the said Bank to any number not less than seven; and after the passing of any such resolution a majority of such reduced number of Directors shall be a quorum.

Public Act.

5. This Act shall be deemed a Public Act.

C A P . L X X I V .

An Act to incorporate the Bank of Northumberland.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS George Elias Jones, John C. Field, C. Giffard, James A. Gilchrist, John Beatty, H. Ruitan, Mark Burnham and others, have, by their petition, prayed that they and their legal representatives may be incorporated for the purpose of establishing a Bank in the Town of Cobourg; and whereas it is desirable and just that the said persons and others who see fit to associate themselves with them, 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 are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of the "Bank of Northumberland," and shall continue such corporation, and shall have perpetual succession and 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, and shall have the power to acquire and hold real and immovable estate for the management of their business, not exceeding the yearly value of ten thousand dollars, and 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 appear proper and necessary for the right administration of their affairs, and the proper management of the said Bank (such By-laws and Regulations not being inconsistent with this Act, or contrary to the laws of this Province); Provided, however, that such Rules, Regulations and By-laws shall be submitted for approval to the stockholders or shareholders in the said Bank, at their regular annual meeting.

Corporate name and powers.

Real estate limited.

Proviso: approval.

2. The capital stock of the said Bank shall be one million dollars, divided into twenty thousand shares of fifty dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives or assigns.

Capital \$500,
000, shares,
\$50.

3. For the purpose of organizing the said Bank and of raising the amount of the said capital stock, the persons hereinbefore mentioned and hereby incorporated shall be provisional Directors thereof, and they or the majority of them, may cause stock books to be opened, after giving due public notice, upon which stock books shall and may be received the signatures and subscriptions of such persons or parties as desire to become shareholders in the said Bank; and such books shall be opened at Cobourg and elsewhere at the discretion of the said provisional directors, and shall be kept open so long as they shall deem necessary; and so soon within one year from and after the passing of this Act, as five hundred thousand dollars of the said capital stock shall have been subscribed upon the said stock-books and one hundred thousand dollars thereof actually paid in to some one of the chartered Banks of this Province thereupon, a public meeting shall be called of the subscribers thereof by notice published at least two weeks in two of the newspapers of the town of Cobourg, such meeting to be held at such time and place in the said town as such notice shall indicate; and at such meeting the subscribers shall proceed to elect nine directors having the necessary stock qualifications, who shall from thenceforward manage the affairs of the said corporation, and who shall take charge of the stock-books hereinbefore referred to, and shall continue in office until the first Monday in July next thereafter, and until their successors in office shall be duly elected; and the said election shall be conducted in the same manner as the annual election hereinafter provided for, as respects the regulating of votes according to the number of shares subscribed for; and immediately upon such election being had, the functions of the said provisional directors shall cease.

Provisional
directors and
their powers
and duties.

First general
meeting for
election of
directors.

Retirement of
provisional
directors.

4. 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 the instalments upon the shares of deceased shareholders shall be and are respectively indemnified for paying the same; provided always 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 or within thirty days after 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 unless nor until a sum of not less than one hundred thousand dollars shall have been duly paid in by such subscribers to some one of the present chartered

Payment of
stock.

Proviso: ten
per cent on
subscribing.

Proviso: pay-
ment of re-
mainder of
stock.

Proviso: pay-
ment of re-
mainder of
stock.

Banks of this Province within one year from and after the passing of this Act; and that the balance of the five hundred thousand dollars required to be subscribed for under the next preceding section shall be duly paid in within eighteen months from and after the passing of this Act; provided further that the remainder of the said capital stock shall be subscribed and paid up as follows: the sum of one hundred thousand dollars within two years, the further sum of one hundred thousand dollars within three years, the further sum of one hundred thousand dollars within four years from and after the passing of this Act, under penalty of the forfeiture of this charter, and the remainder of the stock when the directors shall appoint, but not later than the first day of June which will be in the year of our Lord, one thousand eight hundred and seventy.

Forfeiture for
non-payment
of instalments
on stock.

5. If any shareholder or shareholders shall refuse or neglect to pay any or either of the instalments upon his, her, or their shares of the said capital stock, at the time or times as aforesaid, such shareholder or shareholders shall incur a forfeiture to the use of the said corporation of a sum of money, equal to ten per centum on the amount of such shares, and, moreover, it shall and may be lawful for the directors of the said corporation (with or without any formality other than thirty day's 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 such 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 upon the whole; and the president or vice-president or cashier of the said corporation 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 instalments as aforesaid, or to prevent the said bank from enforcing the payment of any call or calls by suit, in lieu of forfeiting the same.

Proviso: for-
feiture may be
remitted.

Board of di-
rectors, their
qualification
and annual
election.

6. The stock, property, affairs and concerns of the said bank shall be managed by nine directors, who shall choose from among themselves a president and vice-president, who, excepting as is hereinbefore provided, shall hold their offices for one year, which directors shall be stockholders residing in the Province, and be elected on the first Monday in July in each year, at such time of the day and at such place within the Town of Cobourg aforesaid, as a majority of the directors for the time being shall appoint; and public notice shall be given by the directors as hereinbefore provided in the third section of this

this Act previous to the time of holding such election; and the said election shall be held and made by such of the shareholders of the said bank as have paid all calls made by the directors, and as shall attend for the purpose in their own persons or by proxy, such persons being or having been, in either case, holders of such shares for three months previous; and all elections for directors shall be by ballot; and the said proxies shall only be capable of being held and voted upon by shareholders then present; and the nine persons who have the greatest number of votes at any election shall be directors, except as hereinafter directed; and in case of a vacancy occurring in the number of directors, the remaining directors shall fill the same by appointing the person or persons who, at the last general meeting next preceding such vacancy, had the greatest number of votes; and if the vacancy so created shall be that of president or vice-president, the directors, at the first meeting after the completion of their number, shall, from among themselves choose a president or vice-president who shall continue in office for the remainder of the year; and if it should happen, at any election, that two or more persons have an equal number of votes, then the directors who shall have had a greater number of votes, or the majority, 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 nine; and the said directors, so soon as may be after the said election, shall proceed in like manner to elect, by ballot, two of their number to be president and vice-president; 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, on which at least five hundred dollars have being paid in, and shall be a natural born, or naturalized subject, of Her Majesty.

Mode of filling up vacancies in the board.

President and Vice-President.

Proviso. Qualification of Directors.

7. In case it should happen that an election of directors should 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 other day to hold and make an election of directors in such manner as shall have been, by the by-laws of the said bank, provided.

Corporation not to be dissolved for failure of election.

8. Each shareholder shall be entitled to a vote on each share which he or she shall have held in the said Bank, in his or her own name at least three months prior to the time of voting, but no shareholder shall be entitled to give a greater number by votes than twenty, nor to represent more than five hundred votes by proxies; and all questions proposed for the consideration of the said shareholders shall be determined by the majority of their votes; the chairman elected to preside at any such meeting of the said shareholders, shall vote as a shareholder only, and where two or more persons are joint holders

Proportion of votes to shares.

Majority to decide.

Chairman.

Joint holders of shares.

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; provided always, that no cashier, bank clerk, or other officer of the bank shall either vote in person, or by proxy at any meeting for the election of directors.

Bank officers
not to vote.

Calling of
special general
meetings.

9. Any number not less than twenty-five of the shareholders of the said Bank, who together may 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 five of them, shall 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 Cobourg, upon giving six weeks' previous public notice, 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, vice-president, or of a director or directors of the said Bank, 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 is first published, be suspended from the duties of his or their office or offices; and if it be the president or the vice-president whose removal is proposed, his office shall be filled up by the remaining directors (in the manner provided in 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 during the time such suspension shall continue to be undecided upon.

Suspension of
officers whose
removal is
proposed.

Filling vacancy
pro tempore.

Inspection of
books, &c.

10. The books, correspondence, and funds of the corporation shall at all times be subject to the inspection of the directors; but no shareholder, not being a director, shall be allowed to inspect the account of any person dealing with the Bank.

Quorum of
directors.

Who shall
preside.

Casting vote.

11. At all meetings of the directors of the said corporation, not less than four of them shall form a 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, and president *pro tempore* so presiding, shall vote as a director, and if there be an equal division on any question, shall have a casting vote.

Dividends.

12. It shall be the duty of the directors of the said Bank to make half-yearly dividends of so much of the profits of the said Bank as to the majority of them may seem advisable.

Directors may
make by-laws
for certain
purposes.

13. The directors for the time being, or a majority of them, shall have power to make such by-laws and regulations (not repugnant to the provisions of this Act or the laws of this Province) as to them shall appear needful and proper, touching
the

the management and disposition of the stock, property, estate and effects of the said Bank, and touching the duties and conduct of the officers, clerks, and servants employed therein, and all such other matters as appertain to the business of a Bank, and shall also have power to appoint as many officers, clerks, and servants for carrying on the said business, and with such salaries and allowances as to them may seem meet, and shall have power to make such calls of money from the several shareholders for the time being, upon the shares subscribed for in the said Bank by them respectively as the said board find necessary, and in the corporate name of the said Bank to sue for, recover and get in all such calls, or to cause and declare such shares to be forfeited to the said Bank in case of non-payment of any such call; and an action may be brought to recover any money due on any such call, and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is holder of one share or more, as the case may be, in the capital stock of the said Bank, and is indebted for calls upon the said share or shares to the said Bank in the sum to which the call or calls amount, as the case may be, stating the amount and number of such calls, whereby an action hath accrued to the said corporation, to recover the same from such defendant by virtue of this Act; and it shall be sufficient to maintain such action to prove by any one witness, a shareholder being competent, that the defendant at the time of making such call, was a shareholder in the number of shares alleged, and to produce the by-law or resolution of the board making and prescribing such call, and to prove notice thereof given in conformity with such by-law or resolution; and it shall not be necessary to prove the appointment of the said board of directors or any other matter whatsoever; provided that each such call shall be made at intervals of thirty days, and upon notice to be given at least thirty days prior to the day on which such call shall be payable; and any such call shall not exceed ten per cent. of each share subscribed; and provided always that before permitting any cashier, officer, clerk or servant of the corporation to enter upon the duties of his office, the directors shall require him to give bond or such other security to the satisfaction of the directors, for the due and faithful performance of his duties.

Appoint officers.

Make calls and sue for them.

And forfeit shares.

Actions for calls.

Declaration.

What to be proved; and what need not be proved.

Security from officers.

14. The directors, including the said President and Vice-President, shall be entitled to such emolument for their services as may be fixed by any by-law or resolution passed at the usual annual meeting of shareholders.

Payment of directors.

15. No bill or note for any sum whatever shall be issued or put into circulation by the said bank, until one hundred thousand dollars of the capital stock of the said Bank shall have been actually paid in, and shall be held by and in actual possession of the said Bank in gold or silver coin current in this Province.

Condition precedent to issue of notes.

Places of business.

16. The chief place or seat of business of the Bank shall be in the Town of Cobourg, but the directors may open and establish in other cities, towns and places in this Province, 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.

Directors to submit statement of affairs to annual meetings.

17. At every annual meeting of the shareholders of the said Bank to be held in the Town of Cobourg, in the manner hereinbefore provided, the directors shall submit a clear and full statement of the affairs of the said Bank, containing on the one part the amount of capital stock paid in, the amount of the notes of the Bank in circulation and net profits made, and the balance due to other banks and institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest; and on the other part, the amount of the current coin, the gold and silver bullion in the vaults of the Bank, the balances due to the Bank from other banks and institutions, the value of the real and other property of the Bank, and the amount of debts owing to the Bank, including and particularizing the amounts so owing upon bills of exchange, discounted notes, mortgages and other securities, thus exhibiting on the one hand the liabilities of or the debts due by the Bank, and on the other hand the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the last dividend declared by the directors, the amount of reserved profits at the time of declaring the said dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably accrue thereon.

What such statement must shew.

Shares to be personal estate; assignment of shares.

18. The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate, and shall be assignable and transferable at the chief place of business of the said Bank, or any of its branches which the directors shall appoint for that purpose, and according to such form as the directors shall prescribe; but no assignment or transfer shall be valid 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 or liabilities 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 less 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 endorsed thereon, certifying to whom the sale has been made, and thereupon

Sale of shares under execution.

(but

(but not until after all debts due or liabilities contracted or not then due by the holder or holders of the 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 accepted shall be to all intents and purposes as valid and effectual in law as if it had been executed by the holder or holders of the said share or shares, any law or usage to the contrary notwithstanding.

19. The said Bank shall not, either directly or indirectly, hold any lands or tenements (save and except such as by the first and thirty-eighth sections of this Act it was specially 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, nor shall the said Bank, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation 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, except as authorized in chapter fifty-four of the Consolidated Statutes of Canada, nor shall the said Bank, either directly or indirectly, raise loans of money or deal in the buying and selling or bartering of goods, wares or merchandise, 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 appertains to the business of banking; provided always, that the said bank may take and hold mortgages and liens, and assignments of mortgages and liens, and hypothecs on real estate and on ships, vessels and other personal property, by way of additional security for debts contracted to the bank in the course of its dealings, and also for such purpose, may purchase any outstanding mortgages, judgments or other charges upon the real or personal property of any debtor of the said bank.

What the Bank may not do, in lending money and taking security.

Its proper business.

Proviso: as to mortgages and liens.

20. 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-thirtieth of the total amount of discounts made by the Bank at the same time.

Proportion of discount for directors limited.

21. The bank may allow and pay interest 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 the rate of discount then charged shall continue until the said note or negotiable paper so discounted,

Discount and charges for agency and exchange.

or any judgment thereon be paid or satisfied, and when notes, bills or other negotiable securities or paper are *bona fide* payable at a place within the Province different from that at which they are discounted, may also, in addition to the discount, receive or retain an amount not exceeding one half per centum of the amount of each such note, bill or other negotiable security or paper, to defray the expense of agency and exchange, subject to the regulations and rules provided in section one hundred and ten of chapter fifty-five of the Consolidated Statutes of Canada; and the bank may charge any note or bill held by, or made payable at the bank against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof.

Overdue notes may be charged to deposit account.

Bonds, &c., assignable by endorsement.

Bills and notes need not be sealed.

Proviso: as to authority to sign notes.

Recital.

Name of person authorized to sign notes may be impressed by machinery.

22. The bonds, obligations and bills obligatory or of credit, of the said bank under its corporate seal, and signed by the president or vice-president, and countersigned by a cashier or assistant cashier, which shall be made payable to any person or persons, shall be assignable by the endorsement thereon; 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 on it in 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 of the corporation intended for general circulation, and payable to order or to bearer on demand.

23. 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 to time, be adopted by the bank, instead of being subscribed in the handwriting of such person or persons respectively; and whereas doubts might arise respecting the validity of such notes, be it therefore declared and enacted, that all bank notes and bills of the "Bank of Northumberland," whereon the name or names of any person or persons intrusted and 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 shall be taken to be good and valid to all intents and purposes,

as

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 and be deemed and taken to be bank notes and bills within the meaning of all laws and statutes whatever, and shall and may be described as bank bills or notes in all indictments and civil or criminal proceedings whatsoever, any law, statute or usage to the contrary notwithstanding.

24. 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 in Cobourg, or from any of its branches, shall be payable on demand in specie at the place where they bear date; and each and every office of discount and deposit hereafter to be established under the management or direction of a local board of directors, shall be held to be a branch bank.

Notes payable
in specie at
place of issue.

Branch banks.

25. A suspension of the said bank, either at its chief place of business in Cobourg, 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 extends 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.

Charter to be
forfeited by
long suspension
of pay-
ment in specie.

26. The total amount of the bills or notes 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 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 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 four dollars; but no bank note or bill of the bank under the nominal value of one dollar shall be issued.

Proportion of
notes, &c., in
circulation to
stock, gold,
&c., on hand.

One fifth of
notes may be
under \$4.
None under \$1.

27. 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 government securities for money; and in cases of excess, or in case the total amount of the bills or notes of the said bank of all values in 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 of incorporation, 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

Debts of bank
not to exceed
three times the
amount of
stock and de-
posits; forfei-
ture of char-
ter and liabili-
ties of direc-
tors in case of
contravention.

bonds, bills or 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 and 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 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 Cobourg, such director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors, administrators or curators from the liability aforesaid, anything 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 a director may avoid liability.

Proviso.

Double liability of shareholders.

28. In the event of the property or assets of the said bank becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of the said bank shall be liable and responsible for the deficiency to the extent of double the amount of their stock, that is to say, the liability and responsibility of each shareholder shall be limited to the amount of his, her, or their shares of the said capital stock, and a sum of money equal in amount thereto; provided always that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the directors hereinbefore mentioned and declared.

Proviso: as to Directors.

Monthly statement of assets and liabilities to be published and submitted to the Governor.

29. Besides the detailed statements of the affairs of the said bank hereinbefore required to be laid before the shareholders thereof, at their annual general meetings, the directors shall make up and publish, on the first Monday of each month, a statement of the assets and liabilities of the said bank, in the form of schedule A hereunto annexed, shewing, under the heads specified in the same form, the average amount of the notes of the bank and the other liabilities at the termination of each month during the period to which the statement shall refer, and the average amount of specie and other assets that at the same time were available to meet the same; and it shall also be the duty of the directors to submit to the Governor of this Province, if required, a copy of each of such monthly statements; and if by him required to verify all or any part of the said statement, the said directors shall verify the same by the production of the weekly or monthly balance sheet from which the said statement shall have been compiled; and furthermore, the said directors shall from time to time, if required, furnish to the said Governor such further reasonable information as he may see fit to call for; provided always that

Governor may require further information.

Proviso: as to

the

the directors shall not nor shall anything 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. private accounts.

30. It shall not be lawful for the corporation hereby constituted, 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 and privileges hereby granted shall cease. Advance or loan to foreign states prohibited.

31. 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 Cobourg, and in the *Canada Gazette* or such other gazette as shall be generally known and described 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 notice by advertisements in certain papers.

32. Books of subscription may be opened, and shares of the capital stock of the bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom of Great Britain and Ireland, in like manner as such shares and dividends are respectively made transferable and payable at the bank in the Town of Cobourg; 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. Subscription and transfer of shares and payment of dividends in United Kingdom.

33. If the interest in any share or shares 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 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 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 public notary where the same shall be made and signed; and every 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 Authentication of transmission of shares by death, marriage, insolvency, &c.

Proviso: before whom declaration may be made.

shall be entitled to receive any share of the profits of the bank, or to vote in respect of any such share or shares; 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 or shares in the Bank, which shall be made in any other country than 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.

Proviso: as to further proof.

Transmission of shares by marriage of female shareholder or by testamentary instrument or by intestacy.

34. 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 any 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.

Transmission of shares by death of shareholder.

35. If the transmission of any share or shares of the capital stock of the said bank be by decease of any shareholder, the production to the directors and the 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, or any British Colony, of any testament, testamentary or testament 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 or her will, or letters of administration of his or her 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 or shares, in pursuance of and in conformity to such probate, letters of administration, or other such document as aforesaid.

Bank not to be bound to see to

36. The bank shall not be bound to see to the execution of any trust whether expressed, implied or constructive, to which any

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 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.

the execution of any trust or the application of any money.

37. It shall be the duty 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 Loan Fund; one tenth part of the whole paid-up capital of the said bank, and to make a return of the numbers and amounts of such debentures, verified by the oaths and signatures of the president and chief cashier, or manager of the said bank, to the Finance Minister of Canada, in the month of January in each year, under the penalty of the forfeiture of the charter of the bank in default of such investment and return; provided always, that the said directors shall not commence the ordinary business of banking, unless nor until the sum of ten thousand dollars shall have been invested in such debentures, within one year from and after the passing of this Act.

One tenth of capital to be invested in Provincial Debentures.

Annual return to be made on oath.

Proviso: as to time of commencing business.

38. Chapter fifty-four of the Consolidated Statutes of Canada, intitled: *An Act respecting incorporated Banks*, as amended by the Act of the Parliament of this Province, passed in the twenty-fourth year of Her Majesty's Reign, chapter twenty-three, and the said Act amending the same, and any Act amending the said chapter and the said Act that may be passed during the present Session of the said Parliament, save and except section three of the said chapter, shall extend to the said "Bank of Northumberland," and shall be read and taken to be and form a part of the charter of the said "Bank of Northumberland."

Cap. 54 of Con. Stat. Can. as amended by 24 V. c. 23, to apply.

39. On complaint made on the oath of one credible witness, to the effect that there is just cause to suspect that any person is or has been concerned in making or counterfeiting any bank notes or bills of the bank, any magistrate may, by warrant under his hand, cause the dwelling-house, room, workshop, out-house, or other building, yard, garden or other place, where such person shall be suspected of carrying on such making or counterfeiting to be searched; and all such counterfeit bank bills, notes and such plates, dies, rolling-presses, tools, instruments and materials used in, or apparently adapted to the making or counterfeiting of such bills or notes; as shall be found therein or thereon, shall forthwith be carried before the

Search warrant for and seizure and destruction of counterfeit notes, &c.

the same or any other magistrate, who shall cause them to be returned and produced upon any prosecution in relation thereto, in any Court of Justice ; and the same after being so produced in evidence, shall be defaced or destroyed, or otherwise disposed of at the discretion of the Court.

Embezzlement
by officer of
bank to be
felony.

40. If the cashier, assistant cashier, manager, clerk or servant of the 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 money or effects intrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said bank, or belong to any person or persons, body or bodies politic or corporate, or institution or institutions, and be lodged with the 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.

Punishment of
such felony.

41. Any person guilty 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 term less than two years in the discretion of the Court.

Duration of
Act.

42. This Act shall 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.

Charter subject
to future ge-
neral legisla-
tion.

43. This Act, and the powers and privileges hereby conferred, shall be subject to any future legislation which may take place, and no general Act, whereby any privilege hereby conferred may be affected or impaired, shall be deemed a violation of the charter of the said Bank.

Public Act.

44. This Act shall be deemed a Public Act.

SCHEDULE A.

(Referred to in the foregoing Act.)

Return of the average amount of liabilities of the " Bank of Northumberland " during the period from the first of _____, one thousand eight hundred and _____ to the last day of the said month.

LIABILITIES.

Promissory Notes in circulation not bearing interest... \$
Bills of Exchange in circulation not bearing interest... \$
Bills

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 fore- going heads.....	\$
Total average assets.....\$	

C A P . L X X V .

An Act to Incorporate the Union Bank of Lower Canada.

[Assented to 18th September, 1865.]

WHEREAS Charles E. Levey, John Burstall, John Sharples, Joseph Roberts, Timothy Dunn, Mathew G. Mountain, and others, 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 Quebec; and whereas it is desirable and just that the said persons and others who see fit to associate themselves with them, 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:

Preamble.

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 are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of the "Union Bank of Lower Canada," and shall continue such corporation, and shall have perpetual succession and 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, and shall have the power to acquire and hold real and immovable estate for the management of their business, not exceeding the yearly value of ten thousand dollars, 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

Incorporation.

Corporate name and powers.

Real estate limited.

By-laws.

by-laws

by-laws as to them shall appear proper and necessary for the right administration of their affairs, and the proper management of the said Bank (such by-laws and regulations not being inconsistent with this Act, or contrary to the laws of this province); provided, however, that such rules, regulations and by-laws shall be submitted for approval to the stockholders or shareholders in the said Bank, at their regular annual meeting.

Proviso: for approval.

Capital and shares.

2. The capital stock of the said Bank shall be two millions of dollars, divided into shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives or assigns; provided always, that if within the period of four years from and after the passing of this Act it be resolved at any annual general meeting of the shareholders of the said Bank that the capital stock thereof be reduced to the amount thereof then actually subscribed, or to the sum of one million of dollars if the amount of stock then subscribed thereon be less than one million of dollars, and if notice of such resolution be forthwith thereafter given in the *Canada Gazette*, then and thereupon the capital of the said Bank shall be held to be reduced to one million of dollars, or to such sum exceeding one million of dollars, as may then have been subscribed, and this Act shall be construed and enforced as if the capital of the said Bank had been herein fixed at the sum named in such resolution.

Proviso: for reduction of capital stock.

Provisional directors.

3. For the purpose of organizing the said Bank and of raising the amount of the said capital stock, the persons hereinbefore mentioned and hereby incorporated shall be provisional Directors thereof; and they, or the majority of them, may cause stock books to be opened, after giving due public notice, upon which stock books shall and may be received the signatures and subscriptions of such persons or parties as desire to become shareholders in the said Bank; and such books shall be opened at Quebec and elsewhere at the discretion of the said provisional directors, and shall be kept open so long as they shall deem necessary; and so soon, within one year from and after the passing of this Act, as five hundred thousand dollars of the said capital stock shall have been subscribed upon the said stock books and one hundred thousand dollars thereof actually paid in thereupon to some one of the present chartered Banks of this province, a public meeting shall be called of the subscribers thereof by notices published at least two weeks in two of the newspapers of the City of Quebec, such meeting to be held at such time and place in the said city as such notice shall indicate; and at such meeting the subscribers shall proceed to elect seven directors having the requisite stock qualifications, who shall, from thenceforward, manage the affairs of the said corporation, and who shall take charge of the stock books hereinbefore referred to, and shall continue in office until the first Monday in July next thereafter, and until their successors in office shall

Subscription of stock.

First meeting for election of directors.

Election of directors.

be

be elected; and the said election shall be conducted in the same manner as the annual election hereinafter provided for, as respects the regulating of votes according to the number of shares subscribed for; and immediately upon such election being had, the functions of the said provisional directors shall cease.

Retirement of provisional directors.

4. The shares of the capital stock subscribed for shall be paid in by such instalments and at such times and places as the said directors shall appoint, and executors, administrators and curators paying the instalments upon the shares of deceased shareholders shall be and are respectively indemnified for paying the same; provided always, 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 or within thirty days after 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 unless nor until a sum not less than one hundred thousand dollars shall have been duly paid in by such subscribers to some one of the present chartered banks of this province within one year from and after the passing of this Act; and that the balance of the five hundred thousand dollars required to be subscribed for under the next preceding section shall be duly paid in within eighteen months from such commencement; provided further that the remainder of the said capital stock shall be subscribed and paid up as follows: the sum of two hundred thousand dollars within two years, the further sum of two hundred thousand dollars within three years, the further sum of one hundred thousand dollars within four years, and the remainder of the said capital, if the same have not been reduced as aforesaid to one million of dollars, at such time or times not later than the first day of June which will be in the year of Our Lord one thousand eight hundred and seventy as the directors shall appoint.

Payment of stock.

Proviso: ten per cent. on subscribing.

Proviso: when to commence business.

Proviso: payment of remainder of stock.

5. If any shareholder or shareholders shall refuse or neglect to pay any or either of the instalments upon his, her, or their shares of the said capital stock, and at the time or times as aforesaid, such shareholder or shareholders shall incur a forfeiture to the use of the said corporation of a sum of money equal to ten per centum on the amount of such shares, and, moreover, it shall and may be lawful for the directors of the said corporation (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 upon the whole; and the president or vice-president or cashier of the said corporation shall execute the transfer to the purchaser of the shares of stock so sold; and such transfer, being accepted, shall

Forfeiture for non-payment of instalments on stock.

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 instalments as aforesaid, or to prevent the said bank from enforcing the payment of any call or calls by suit, in lieu of forfeiting the same.

Proviso: forfeiture may be remitted.

Board of directors, their qualification and annual election

6. The stock, property, affairs and concerns of the said bank shall be managed by seven directors, who shall choose from among themselves a president and vice-president, who, excepting as is hereinbefore provided, shall hold their offices for one year, which directors shall be stockholders residing in the province, and natural-born or naturalized subjects of Her Majesty, and be elected on the first Monday in July in each year, at such time of the day, and at such place in the City of Quebec aforesaid, as a majority of the directors for the time being shall appoint; and public notice shall be given by the directors as hereinbefore provided in the third section of this Act, previous to the time of holding such election; and the said election shall be held and made by such of the shareholders of the said bank as have paid all calls made by the directors, and as shall attend for the purpose in their own proper persons or by proxy, such persons being or having been, in either case, holders of such shares for three months previous; and all elections for directors shall be by ballot; and the said proxies shall only be capable of being held and voted upon by shareholders then present; and the seven persons who have the greatest number of votes at any election shall be directors, except as hereinafter directed; and in case of a vacancy occurring in the number of directors, the remaining directors shall fill the same by appointing the person or persons who, at the last general meeting next preceding such vacancy, had the largest number of votes; and if the vacancy so created shall be that of president or vice-president, the directors, at the first meeting after the completion of their number, shall, from among themselves, choose a president or vice-president who shall continue in office for the remainder of the year; and if it should happen, at any election, that two or more persons have an equal number of votes, then the directors who shall have had a greater number of votes, or the majority, 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 seven; 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 the president and vice-president; 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, on which all calls have been paid in.

Ballot.
Proxies.

Mode of filling up vacancies.

Ties.

President and Vice-President.

Proviso.

7. In case it should happen that an election of directors should 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 other day, to hold and make an election of directors in such manner as shall have been, by the by-laws of the said bank, provided.

Failure of election not to dissolve corporation.

8. Each shareholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in the said bank, in his or her own name, at least three months prior to the time of voting, according to the following scale, that is to say: For one share and not more than two, one vote; and 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 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 nor to represent more than five hundred votes by proxies; and all questions proposed for the consideration of the said shareholders shall be determined by the majority of their votes; the chairman elected to preside at any such meeting of the said shareholders, shall vote as a shareholder only, and 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; provided always, that no cashier, bank clerk, or other officer of the bank shall either vote in person, or by proxy at any meeting for the election of directors.

Scale of votes by shareholders, proportion of votes to shares.

Chairman.

Joint holders of shares.

Bank officers not to vote.

9. Any number not less than twenty-five of the shareholders of the said bank, who together may be proprietors of at least one hundred shares of the capital stock of the said bank, having all calls paid up, by themselves or by proxies, or the directors of the said bank or any four of them, shall 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 Quebec, upon giving six weeks previous public notice, 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, vice-president, or of a director or directors of the said bank, 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 the vice-president whose removal

Calling of special general meetings.

If for removal of President, &c.

Suspension of officers whose removal is proposed.

removal shall be proposed, his office shall be filled up by the remaining directors (in the manner provided in 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 during the time such suspension shall continue to be undecided upon.

Inspection of books, &c.

10. The books, correspondence, and funds of the corporation shall, at all times, be subject to the inspection of the directors; but no shareholder, not being a director, shall be allowed to inspect the account of any person dealing with the bank.

Quorum of directors.

11. At all meetings of the directors of the said corporation 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, and, if there be an equal division on any question, shall have a casting vote.

Who shall preside.

Casting vote.

Dividends.

12. It shall be the duty of the directors of the said bank to make half-yearly dividends of so much of the profits of the said bank as to the majority of them may seem advisable.

Directors may make by-laws for certain purposes.

13. The directors for the time being, or a majority of them, shall have power to make such by-laws and regulations (not repugnant to the provisions of this Act or the laws of this province) as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said bank, and touching the duties and conduct of the officers, clerks, and servants employed therein, and all such other matters as appertain to the business of a bank, and shall also have power to appoint as many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them may seem meet, and shall also appoint a director or directors, who shall each be the absolute owner of at least twenty shares in his own right, for any branch which they may establish, and shall have power to make such calls of money from the several shareholders for the time being, upon the shares subscribed for in the said bank by them respectively as the said board find necessary, and in the corporate name of the said bank to sue for, recover, and get in all such calls, or to cause and declare such shares to be forfeited to the said bank in case of non-payment of any such call; and an action may be brought to recover any money due on any such call, and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is holder of one share or more, as the case may be, in the capital stock of the said Bank, and is indebted for calls upon said share or shares to the said Bank in the sum to which the call or calls amount, as the case may

Appoint officers and local directors.

Make calls and sue for them.

And forfeit shares.

Actions for calls.

Declaration.

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be, stating the amount and number of such calls, whereby an action hath accrued to the said corporation to recover the same from such defendant by virtue of this Act; and it shall be sufficient to maintain such action to prove by any one witness, a shareholder being competent, that the defendant at the time of making such call, was a shareholder in the number of shares alleged, and to produce the by-law or resolution of the board making and prescribing such call, and to prove notice thereof given in conformity with such by-law or resolution; and it shall not be necessary to prove the appointment of the said board of directors or any other matter whatsoever; provided that each such call shall be made at intervals of thirty days, and upon notice to be given at least thirty days prior to the day on which such call shall be payable; and any such call shall not exceed ten per cent. of each share subscribed; and provided always that before permitting any cashier, officer, clerk, or servant of the corporation to enter upon the duties of his office, the directors shall require him to give bond or such other security to the satisfaction of the directors, for the due and faithful performance of his duties.

What to be proved.

And what need not be proved.

Proviso: as to calls.

Proviso: security from officers.

14. The directors, including the said president and vice-president, shall be entitled to such emolument for their services as may be fixed by any by-law or resolution passed at the usual annual meeting of shareholders.

Remuneration of directors.

15. No bill or note for any sum whatever shall be issued or put into circulation by the said Bank until one hundred thousand dollars of the capital stock of the said Bank shall have been actually paid in, and shall be held by and in the actual possession of the said Bank in gold or silver coin current in this Province.

Condition precedent to issue of notes.

16. The chief place or seat of business of the Bank shall be in the City of Quebec, but the directors may open and establish in other cities, towns and places in this Province, 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.

Places of business.

17. At every annual meeting of the shareholders of the said Bank to be held in the City of Quebec, in the manner hereinbefore provided, the Directors shall submit a clear and full statement of the affairs of the said Bank, containing on the one part the amount of capital stock paid in, the amount of the notes of the Bank in circulation, and the net profits made and the balance due to other banks and institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest; and, on the other part, the amount of the current coin, the gold and silver bullion in the vaults of the Bank;

Directors to submit statement of affairs to annual meetings.

What such statement must shew.

Rates of dividend.

Bank, the balances due to the Bank, from other banks and institutions, the value of the real and other property of the Bank, and the amount of debts owing to the Bank, including and particularizing the amounts so owing upon bills of exchange, discounted notes, mortgages and other securities, thus exhibiting, on the one hand, the liabilities of or the debts due by the bank, and on the other hand the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the last dividend declared by the Directors, the amount of reserved profits at the time of declaring the said dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably accrue thereon.

Shares to be personal estate; assignment of shares.

18. The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate, and shall be assignable and transferable at the chief place of business of the said Bank or any of its branches which the directors shall appoint for that purpose, and according to such form as the directors shall prescribe; but no assignment or transfer shall be valid 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 or liabilities 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 less 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 endorsed thereon, certifying to whom the sale has been made; and thereupon (but not until after all debts due or liabilities contracted and not then due by the holder or holders of the 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 accepted, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the holder or holders of the said share or shares; any law or usage to the contrary notwithstanding.

Sale of shares under execution.

What the Bank may not do, in lending money on security.

19. The said Bank shall not, either directly or indirectly, hold any lands or tenements (save and except such as by the first and thirty-eighth sections of this Act it is specially 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, nor shall the said Bank, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares

shares of the capital stock of said Bank, or of any goods, wares or merchandize, except as authorized in chapter fifty-four of the Consolidated Statutes of Canada, nor shall the said Bank, either directly or indirectly, raise loans of money or deal in the buying and 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 appertains to the business of banking; provided always, that the said Bank may take and hold mortgages and liens, and assignments of mortgages and liens, and hypothèques on real estate and on ships, vessels and other personal property, by way of additional security for debts contracted to the Bank in the course of its dealings, and also for such purpose, may purchase any outstanding mortgages, judgments or other charges upon the real or personal property of any debtor of the said Bank.

Proviso: as to mortgages and liens.

20. 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 co-partnership or firm in which any director of the said Bank shall be partner, shall not at any one time exceed one thirtieth of the total amount of discounts made by the Bank at the same time.

Proportion of discount for directors limited.

21. The Bank may allow and pay interest 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 the rate of discount, then charged shall continue until the said note or negotiable paper so discounted, or any judgment thereon be paid or satisfied, 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, may also, in addition to the discount, receive or retain an amount not exceeding one-half per centum of the amount of each such note, bill or other negotiable security or paper, to defray the expense of agency and exchange, subject to the regulations and rules provided in section one hundred and ten of chapter fifty-five of the Consolidated Statutes of Canada; and the Bank may charge any note or bill held by, or made payable at the Bank against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof.

Discount and charges for agency and exchange.

Overdue notes may be charged to deposit account.

22. The bonds, obligations, and bills obligatory or of credit, of the said Bank under its corporate seal, and signed by the president or vice-president and countersigned by a cashier or assistant cashier, which shall be made payable to any person or persons, shall be assignable by the endorsement thereon; and bills or notes of the said Bank signed by the president, vice-president, cashier, or other officer appointed by the directors of the

Bonds, &c., assignable by endorsement.

Bills and notes need not be sealed.

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 on it in 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 of the corporation intended for general circulation, and payable to order or to bearer on demand.

Proviso: as to authority to sign notes.

Recital.

23. And whereas it may be deemed expedient that the name or names of the persons or person 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 might arise respecting the validity of such notes: be it therefore declared and enacted, that all bank notes and bills of the "Union Bank of Lower Canada," whereon the name or names of any person or persons intrusted and 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 shall be 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 and be deemed and taken to be bank notes and bills within the meaning of all laws and statutes whatever, and shall and may be described as bank bills or notes in all indictments and civil or criminal proceedings whatsoever, any law, statute, or usage to the contrary notwithstanding.

Name of person authorized to sign notes may be impressed by machinery.

Notes payable in specie at place of issue.

24. 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 in Quebec, or from any of its branches, shall be payable on demand in specie at the place where they bear date; and each and every office of discount and deposit hereafter to be established under the management or direction of a local board of directors, shall be held to be a branch bank.

Branch banks.

Charter to be forfeited by long suspension of payment in specie.

25. A suspension of the said Bank, either at its chief place of business in Quebec or at any of its branches or offices of discount and deposit at any other place in this Province, of payment

payment on demand in specie of the notes or bills of the said Bank payable there on demand, shall, if the time of suspension extends 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.

26. The total amount of the bills or notes 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 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 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 four dollars; but no bank note or bill of the Bank under the nominal value of one dollar shall be issued.

Proportion of notes, &c., in circulation to stock, gold, &c., on hand.

One fifth of notes may be under \$4.

None under \$1;

27. 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 government securities for money; and in case of excess, or in case the total amount of the bills or notes of the said Bank of all values in 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 of incorporation, 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 or 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 and 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 Quebec, such director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors, administrators or curators from the liability aforesaid, anything 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.

Debts of bank not to exceed three times the amount of stock and deposits; forfeiture of charter and liabilities of directors in case of contravention.

Proviso: how a director may avoid liability.

Proviso.

Double liability
of shareholders.

28. In the event of the property or assets of the said Bank becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of the said Bank shall be liable and responsible for the deficiency to the extent of double the amount of their stock, that is to say, the liability and responsibility of each shareholder shall be limited to the amount of his, her, or their shares of the said capital stock, and a sum of money equal in amount thereto; provided always that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the directors hereinbefore mentioned and declared.

Proviso: as to
Directors.

Monthly state-
ment of assets
and liabilities to
be published
and submitted
to the Govern-
nor.

29. Besides the detailed statements of the affairs of the said Bank hereinbefore required to be laid before the shareholders thereof, at their annual general meetings, the directors shall make up and publish, on the first Monday of each month, a statement 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 same form, the average amount of the notes of the Bank and the other liabilities at the termination of each month during the period to which the statement shall refer, and the average amount of specie and other assets that at the same time were available to meet the same; and it shall also be the duty of the directors to submit to the Governor of this Province, if required, a copy of each of such monthly statements; and if by him required to verify all or any part of the said statement, the said directors shall verify the same by the production of the weekly or monthly balance sheets from which the said statement shall have been compiled; and furthermore the said directors shall, from time to time, if required, furnished to the said Governor such further reasonable information as he may see fit to call for; provided always that the directors shall not nor shall anything 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.

Governor may
require further
information.

Proviso: as to
private ac-
counts.

Advance or
loan to foreign
states prohi-
bited.

30. It shall not be lawful for the corporation hereby constituted, 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 and privileges hereby granted shall cease.

Public notice
by advertise-
ments in certain
papers.

31. 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 Quebec, and in the *Canada Gazette* or such other gazette as shall be generally known and described 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.

32. Books of subscription may be opened, and shares of the capital stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom of Great Britain and Ireland, in like manner as such shares and dividends are respectively made 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 agent or agents, as they may deem necessary.

Subscription and transfer of shares and payment of dividends in United Kingdom.

33. If the interest in any share or shares 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 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 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 public notary where the same shall be made, and signed; and every 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, or to vote in respect of any such share or shares; 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 or shares in the Bank, which shall be made in any other country than 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.

Authentication of transmission of shares in certain cases.

Proviso: before whom declaration may be made.

Proviso: as to further proof.

34. 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

Transmission of shares by marriage of female share-

holder or by
testamentary
instrument or
by intestacy.

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 any 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.

Transmission
of shares by
death of
shareholder.

35. If the transmission of any share or shares of the capital stock of the said Bank be by decease of any shareholder, the production to the directors and the 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 or any British Colony, of any testament, testamentary or testament dative expedé 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 or her will, or letters of administration of his or her 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 or shares, in pursuance of and in conformity to such probate, letters of administration, or other such document as aforesaid.

Bank not to be
bound to see to
the execution
of any trust or
the application
of any money.

36. The 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 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.

One tenth of
capital to be
invested in
Provincial
Debentures.

37. It shall be the duty 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 Loan Fund, one tenth part of the whole paid-up capital of the said Bank, and to make a return of the numbers and amounts of such debentures verified by the oaths and signatures of the president and chief cashier, or manager of the said Bank, to the Finance Minister

Annual return
to be made on
oath.

Minister of Canada, in the month of January in each year, under the penalty of the forfeiture of the charter of the Bank in default of such investment and return; Provided always, that the said directors shall not commence the ordinary business of banking unless nor until the sum of ten thousand dollars shall have been invested in such debentures within one year from and after the passing of this Act. Proviso.

38. Chapter fifty-four of the Consolidated Statutes of Canada, intituled: *An Act respecting incorporated Banks*, as amended by the Act of the Parliament of this Province, passed in the twenty-fourth year of Her Majesty's Reign, chapter twenty-three, and the said Act, amending the same, and any act amending the said chapter, and the said act, that may be passed during the present session of the said Parliament, shall extend to the said the "Union Bank of Lower Canada," and shall be read and taken to be, and form a part of the charter of the said the "Union Bank of Lower Canada." Cap. 54 of Con. Stat. Can. to apply as amended by 24 V. c. 23.

39. On complaint made on the oath of one credible witness, to the effect that there is just cause to suspect that any person is or has been concerned in making or counterfeiting any bank notes or bills of the Bank, any magistrate may, by warrant under his hand, cause the dwelling-house, room, workshop, out-house or other building, yard, garden or other place, where such person shall be suspected of carrying on such making or counterfeiting to be searched; and all such counterfeit bank bills and notes and such plates, dies, rolling-presses, tools, instruments and materials used in, or apparently adapted to the making or counterfeiting of such bills or notes, as shall be found therein or thereon, shall forthwith be carried before the same or any other magistrate, who shall cause them to be returned and produced upon any prosecution in relation thereto, in any Court of Justice; and the same after being so produced in evidence, shall be defaced or destroyed, or otherwise disposed of at the discretion of the Court. Search warrant for and seizure and destruction of counterfeit notes, &c.

40. If the cashier, assistant cashier, manager, clerk or servant of the 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 money or effects intrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank, or belong to any person or persons, body or bodies politic or corporate, or institution or institutions, and be lodged 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 by officer of bank to be felony.

41. Any person guilty of felony under this Act shall be punished by imprisonment at hard labor in the Provincial Penitentiary. Punishment of such felony.

Penitentiary for any term not less than two years, or by imprisonment in any other gaol or place of confinement for any term less than two years in the discretion of the Court.

Duration of Act.

42. This Act shall 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.

Charter subject to future general legislation.

43. This Act, and the powers and privileges hereby conferred, shall be subject to any future legislation which may take place, and no general Act, whereby any privilege hereby conferred may be affected or impaired, shall be deemed a violation of the charter of the said Bank.

Public Act.

44. This Act shall be deemed a Public Act.

SCHEDULE A.

(Referred to in the foregoing Act.)

Return of the average amount of liabilities of the "Union Bank of Lower Canada" during the period from the first of _____, one thousand eight hundred and _____ to the last day of the said month.

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.....	\$

C A P. L X X V I.

An Act to incorporate the Society called "La Caisse d'Epargne de St. Roch de Montréal."

[Assented to 18th September, 1865.]

WHEREAS an Association under the name of "La Caisse d'Epargne de St. Roch de Montréal," has existed for some time past 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:

I. P. J. Beaudry, T. Germain, C. F. Perrin, R. Desjardins, F. X. Lamarche, Daniel Munro, Côme Perrin, André Lapiere, Jr., Charles Méloche and Louis Carle, together with such other persons as now are members of the said institution, or may hereafter become members thereof in 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 "La Caisse d'Epargne de St. Roch de Montréal," for aiding its members in case of sickness, and ensuring the like assistance and other advantages to the widows and children of deceased members, 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 immovable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said corporation, not exceeding in annual value two thousand dollars, 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 the regulations and by-laws of the said association that 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 other business and matters appertaining to the said corporation, and the government and management thereof, in so far as the same may come under their control, respect being nevertheless had

Preamble.

Certain persons incorporated.

Corporate name and powers.

Real estate.

Powers of majority to make By-laws.

Further powers.

to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

Application of
rents, revenues,
&c.

2. The rents, revenues and profits of 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.

Estate and
liabilities of
Association
transferred to
Corporation.

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
and other
officers.

4. The members of the said 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 report
to Government.

5. The said corporation shall be bound to make annual reports to the Auditor-General, and to both branches of the Legislature, containing a general statement of the affairs of the corporation, which said report shall be presented within the first twenty days of every session of the Legislature.

Money granted
as aid by Cor-
poration not
liable to
seizure.

6. No sum of money granted by the said corporation under its constitution, or any of its by-laws, by way of aid or assistance to any of its members when sick, or to any widow or orphan child of a deceased member, shall be liable to seizure either before or after judgment; provided always, that nothing in this section contained shall in any manner affect the right of any creditor, in respect of any sum of money due by the said corporation to any of its members, by reason of any contract or undertaking between the said corporation and such member.

Proviso.

Public Act.

7. This Act shall be deemed a Public Act.

CAP. LXXVII.

An Act to provide for the appointment of Commissioners to enquire into the affairs of the St. Roch's Savings Bank, Quebec.

[Assented to 18th September, 1865.]

WHEREAS it is expedient that full inquiry should be made, under Legislative authority, into the affairs of the Institution known as the St. Roch's Savings Bank, Quebec, and the causes which led to the failure of the said Institution and its inability to meet the just claims of those who had deposited money in it: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Governor may appoint a Commissioner for the purpose of making the inquiry mentioned in the preamble to this Act, and of reporting the result thereof to His Excellency, with the evidence to be taken by him in the course of such inquiry; and for the purpose aforesaid, the said Commissioner shall have full power to summon any Director, Manager, Treasurer, or Officer of the said Institution, or any person having been such, or any other person whomsoever, to attend before him, at such time, and at such place, within the city of Quebec, as he shall appoint, then and there to give such evidence and information as it may be in their power respectively to give pertinent to the said inquiry, and to produce before the said Commissioner and exhibit to him if required, all books, documents and papers of the said Institution or relative to the matters to which the said inquiry relates, or any of them which shall be in the possession or subject to the control of the party summoned; and the said Commissioner shall have full power to examine any person so attending before him on oath, which he may administer, and to take down the evidence of such person in writing, and to require such person to sign the same; and if any person so summoned refuses to attend, or attending, refuses or neglects to answer any question pertinent to the said inquiry, or to produce any such book, document, or paper as aforesaid, the Commissioner may complain thereof to any Judge of the Superior Court, who, on being satisfied by affidavit or otherwise that such person has so refused or neglected, shall issue an order commanding the party so refusing or neglecting to attend before the said Commissioner at a time and place therein named, for the purpose mentioned in the prior summons of the Commissioner; and such order shall be held to be an order of the Court; and if any such party refuses or neglects to obey such order, he shall be held to have committed a contempt of the said Court, and may be dealt with, and the said order may be enforced, accordingly; provided

Governor may appoint a Commissioner to inquire, &c.

His powers and duties.

Examination of witnesses upon oath.

As to persons refusing to attend, or to answer, &c.

Proviso.

provided always, that no person shall be obliged to answer any question by his answer to which, he might render himself liable to a criminal prosecution.

CAP. LXXVIII.

An Act to amend the Act incorporating the Toronto and Georgian Bay Canal Company.

[Assented to 18th September, 1865.]

Preamble.

19, 20 V. c. 118.

Former charter recited: petition of corporation under it.

Petition for amendments.

WHEREAS an Act was passed in the nineteenth and twentieth years of Her Majesty's Reign, chaptered one hundred and eighteen, whereby the Toronto and Georgian Bay Canal Company was incorporated, and Thomas Clarkson and twenty-seven others were constituted Provisional Directors thereof; And whereas Francis H. Medcalf, A. M. Smith, M. P. P., Thomas R. Ferguson, M. P. P., Frederic C. Capreol and Henry Fowler, have, by petition, represented that of the persons so incorporated and constituted Provisional Directors some have since deceased, others have departed and removed their residence out of this Province, others of them have, from various causes, become unable to act as such Provisional Directors, and the remainder of them, or a majority of them, are desirous of being relieved from their office as such Provisional Directors; and whereas the said Francis H. Medcalf, A. M. Smith, M. P. P., Thomas R. Ferguson, M. P. P., Frederic C. Capreol and Henry Fowler have, by their said petition, also prayed that amendments may be made to the said Act of Incorporation, by which they may be appointed and constituted Provisional Directors for the purpose of carrying into effect the provisions of the said Act, in the room and stead of the persons named therein, and have and enjoy all the rights and powers conferred upon the Provisional Directors appointed by the said Act; And whereas the accomplishment of the object contemplated by the Company is of the utmost importance to the commercial and general interests of this Province at large, and it is expedient that the prayers of the petitioners be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Part of 19, 20 V. c. 118 repealed.

1. So much of the said Act nineteenth and twentieth Victoria, Chapter one hundred and eighteen, as may be inconsistent with or repugnant to the provisions of this Act, shall be and is hereby repealed.

Certain persons appointed Provisional Directors.

2. The said Francis H. Medcalf, A. M. Smith, M. P. P., Thomas R. Ferguson, M. P. P., Frederic C. Capreol, and the Hon. Wm. McMaster, M. L. C., Thomas D. McConkey, M. P. P., Thomas Grahame, of Vaughan, and Henry Fowler, shall be and are hereby appointed Provisional Directors of the Toronto
and

and Georgian Bay Canal Company incorporated by the Act above cited, in the place and stead of the persons appointed by the twentieth section of the said Act, to manage the affairs of the Company and generally to perform all the duties and to be invested with all the powers set forth in the said section, and conferred thereby upon the Provisional Directors therein mentioned, and to elect a President of such Provisional Board, and to hold office until an election of Directors shall be made, as hereinafter provided, and it shall and may be lawful for them, the said Provisional Directors, to resign their office as such Provisional Directors, or to add to their number by the choice or appointment of another or other Provisional Director or Directors to co-operate with and assist them in the management of the affairs of the said Company, and for the transaction of business; a majority of the said Provisional Directors shall be a quorum, and the said Provisional Directors shall have power to exercise all the powers and privileges conferred upon the Company until the Board of Directors hereafter provided to be appointed by the stockholders shall have been elected in accordance with the provisions hereafter made in that behalf.

Their powers.

Quorum.

3. The capital stock of the said Company may be extended to forty millions of dollars, to be held in two hundred thousand shares of two hundred dollars each, and the books of subscription therefor may be opened at such places in this Province or in Great Britain, and at such time after the passing of this Act as the Provisional Directors herein named shall appoint, and all persons (subjects of Her Majesty or others) may subscribe for any number of shares within the amount of the said capital stock; and no person shall be eligible to be elected a Director, who is not a holder of at least forty shares of the capital stock of the said Company.

Capital stock may be increased.

Qualification of Directors.

4. So soon as one million dollars of the said capital stock shall have been subscribed and ten per cent. paid thereon or its equivalent, it shall and may be lawful for the subscribers thereof, or a majority of them, to call a meeting of such subscribers for the purpose of electing seven Directors, who shall constitute a Board to manage the affairs of the said Company, and at such meeting and all meetings of the shareholders, every subscriber for shares shall have a number of votes corresponding to the number of his or her shares, that is to say: one vote for every share so held by him or her.

First meeting for Election of Directors.

Votes.

5. Any person or persons or bodies corporate subscribing and paying the sum of fifty dollars and upwards, towards the preliminary expenses incurred in carrying out this Act, shall on producing a voucher to that effect, duly authenticated by the Chairman, be allowed the same amount on account of a share or shares subscribed by him, her or them previous to the election of directors by the shareholders as hereinbefore provided; and the Chairman or President for the time being may, as Trustee, receive

Rights of persons raising money to pay preliminary expenses under this Act.

receive, hold and dispose of, any sum or sums of money, stocks or other property that may be or have been bequeathed for the use of the said Company, and a list of such bequest or bequests, gift or gifts shall be printed, published, registered and kept in the head office of the said Company.

Who may use
the Canal.

6. All persons whomsoever shall have full liberty to use the said canal and the rivers and lakes forming portions thereof, with any ships, boats, schooners, rafts, vessels, or craft suitable for the navigation thereof; also to use the towing-paths thereof with horses for drawing and hauling such ships, boats, vessels or crafts, upon the payment of such rates and dues as shall be established by the said Company as aforesaid.

Preliminary
expenses to be
first paid.

7. All reasonable and preliminary expenditure incurred in obtaining this amended Act, and in the formation or establishing of the said corporation in future, shall be first paid from the funds of the Company by a vote of the Provisional Board of Directors.

New corporate
name.

8. From and after the passing of this Act the corporate name of the said Company shall be "The Huron and Ontario Ship Canal Company," instead of "The Toronto and Georgian Bay Canal Company."

Time for com-
mencement
and completion
of the work.

9. The time limited for the completion of the work of the proposed canal shall be, and hereby is, extended to ten years; the said work to be commenced within one year from and after the date of the passing of this Act.

Public Act.

10. This Act shall be deemed a Public Act.

CAP. LXXIX.

An Act to amend and extend the Acts relating to the Cobourg and Peterborough Railway Company.

[Assented to 18th September, 1865.]

Preamble:
25 V. c. 58.

Award under it.

WHEREAS, in pursuance of the Act intituled: *An Act to make further provisions relating to the Cobourg and Peterborough Railway Company*, passed in the twenty-fifth year of Her Majesty's Reign, certain arbitrators were appointed for the purposes therein named, who afterwards made their award declaring the value of the properties and franchises of the said Company, which said award was set aside by the Court of Chancery; And whereas it is desirable that litigation should cease, and that the value of the properties and franchises aforesaid should be ascertained and defined by this Act, and it is also desirable that the said Act of the twenty-fifth

Victoria

Victoria should be otherwise amended: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The sum of one hundred thousand dollars shall be the true value of all the said franchises and properties of the Company, and shall be in lieu of the said award to all intents and purposes according to the requirements of the said Act.

Value of franchises and property of Company fixed.

2. The said sum shall be paid into the Court of Chancery, in manner following—fifty thousand dollars;—part thereof within two years from the passing of this Act, with interest, and the remainder within four years, with interest from the said date; and the said money shall be distributed by the said Court in the proportions and according to the priorities following, that is to say, towards payment of the bondholders rateably, the sum of twenty-five thousand dollars out of the first payment so to be made, and forty-five thousand dollars out of the second payment so to be made, and the residue of the moneys to be paid rateably to the parties claiming for unpaid right of way and depot grounds, and other registered incumbrances prior to the mortgage mentioned in the tenth section of the said Act of twenty-fifth Victoria; Provided always, that if the amount due for unpaid right of way and other registered incumbrances prior to the said mortgage, shall exceed thirty thousand dollars, the excess shall be recoverable against the said Company, after the expiration of the said period of four years, but all other claims and demands whatever against the said Company, are declared to be finally extinguished.

The said sum to be paid into Chancery, &c., when and how to be dealt with.

Proviso: as to incumbrances, and unpaid right of way.

3. Upon the deposit by the said Company, in the said Court, of ten thousand pounds sterling of Cobourg Town Trust Debentures, duly issued under the provisions of the Act twenty-six Victoria, chapter forty-eight, to be held as security for the due payment of the first instalment, and which are to be liable in case of default, to forfeiture for the benefit of the bondholders and creditors, then and immediately thereafter, the railway, its properties and franchises, shall revert absolutely to, and become the property of the said Company, as organized by the original Act of incorporation, subject, nevertheless, to payment of the said sum of one hundred thousand dollars and interest thereon, which sum shall stand as a first charge on the said Railway, and the Company shall thenceforth be governed by the original Act of Incorporation passed in the sixteenth year of the Reign of Queen Victoria, chapter forty, and by the said Act of twenty-fifth Victoria, as amended and extended by this Act, which shall then and thereafter be in full force and effect.

On deposit of £10,000 stg. Railway, &c., to revert to Company.

Subject to certain charges; original charter to apply.

4. The tenth section is repealed, and the following substituted therefor:

Sect. 10 repealed.

Upon

On such deposit, a certain mortgage in favor of W. Proudfoot, to be assigned as security.

“Upon deposit of the Debentures hereinbefore referred to, a certain mortgage held over the Railway by William Proudfoot, Esquire, as Trustee for the Bondholders, shall be assigned to such person or persons as the Town Council of the Town of Cobourg shall appoint, to be held as security for the said Debentures; but such security to be a second charge on the Railway, its franchises and properties after the said one hundred thousand dollars; Provided always that the said assignment may be made by order of the Court of Chancery, by any officer of that Court in the event of the absence from the Province, illness, death or incapacity of the said William Proudfoot.”

Proviso.

Sect. 11, amended.

5. The eleventh section is amended by striking out the words “whichever shall first happen after the satisfaction and discharge of the award as hereinbefore provided,” and substituting therefor the words “whichever shall first happen after the passing of this Act and the deposit of the said Debentures.”

Proceedings on failure of payment by Company.

6. On failure of payment of the said moneys, or any part thereof, the parties interested may proceed to the Court of Chancery to sell the Railway, together with all its works, as fully and amply as if the same were charged by mortgage in the first instance.

Public Act.

7. This Act shall be deemed a Public Act.

C A P . L X X X .

An Act to extend the time for the completion of the Canada Central Railway.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the Canada Central Railway Company have prayed for an extension of the time limited to them for the completion of the said Railway, 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:

Time for commencement and completion of Railway extended,

1. The time for the commencement of the Railway which the Company is authorized by its charter to construct, is extended for the period of three years from the passing of this Act, and the period for the completion of the said Railway is extended for the period of five years from the passing of this Act, and the said company during the said periods shall and may have, enjoy, exercise and enforce all the rights, powers, claims, franchises and privileges heretofore granted to or conferred on or held, possessed or enjoyed by the said Railway Company, by, under, or by virtue of the Act relating to the said Railway Company, or any Acts in any wise affecting the same;

same ; provided always, that nothing herein contained, shall infringe upon, or in any wise vary or diminish the rights of the Vaudreuil Railway Company, under the provisions of section six of the Act twenty-fourth Victoria, chapter eighty, incorporating the Canada Central Railway Company.

Proviso : as to Vaudreuil Railway.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X I .

An Act to authorize the Cobourg and Peterborough Railway Company to construct a Tramway or Railway from the Marmora Iron Works to the River Trent, or to Rice Lake, and for other purposes.

[Assented to 13th September, 1865.]

WHEREAS the Cobourg and Peterborough Railway Company have petitioned for power to establish a line of water communication between Harwood on Rice Lake, and some point on the River Trent, and to construct a tramway or railway from the River Trent to Marmora, so as to connect with the Marmora Iron Works ; and whereas, it is advisable to grant the said powers as well as other powers incidental thereto, or connected with the same subject : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The said Cobourg and Peterborough Railway Company are authorized to build, purchase, possess and hold one or more vessels to be propelled by steam or other power, with all such necessary scows, boats and barges as may be required to be used and employed on the waters of Rice Lake and the River Trent, by the said company, for the purposes, and in connection with the objects and undertakings referred to in this Act.

Company may own Steamers, &c., on Rice Lake and River Trent.

2. The said Company are authorized to construct a tramway or railway, to run from any point on the River Trent to any other point or points in the Township of Marmora, and to purchase, acquire and hold all necessary locomotives, rolling stock, matters and things which may be required, and to use the same to carry iron and other ores, merchandise and materials to and from the said township of Marmora.

May make Branches to Marmora.

3. The following clauses of "the Railway Act" are incorporated with this Act, that is to say, the first, second, third and fourth clauses thereof, and the clauses relating to "Powers, Plans and Surveys, Lands and their valuation," except in so far as they may be inconsistent with this Act.

Certain clauses of Railway Act to apply.

Union with
Marmora Iron
Company
authorized for
certain pur-
poses.

4. The Cobourg and Peterborough Railway Company, are authorized to unite with the Marmora Iron Company, with the consent of a two-thirds majority of the shareholders and proprietors of each of the said Companies, for the purpose of mining for ores, minerals, marble and any other valuable substances, and of smelting any such ores and mineral substances, and of carrying and conveying the same to market by the said route, and generally for all the purposes of this Act, and any provisional or final agreement between the said companies, with the consent of such majority of the shareholders, shall be binding.

Further conso-
lidation of the
two Com-
panies.

5. The said companies may, for the more effectual carrying into effect of the said union, consolidate their respective debts and unite their stocks, properties and effects, and on such terms, either of complete or partial union, and either of joint, or separate, or absolute, or limited liabilities to third parties, and either absolutely or for a term, and either for the whole or any one or more of the objects of the said Companies respectively, or of this Act, as such Companies shall deem meet, and any deed or agreement under the seals of the said Companies, ratified by the shareholders as aforesaid, shall be valid and binding to all intents and purposes in the same manner as if the same had been incorporated with this Act, from and after the same shall have been filed in the Registry Offices of the West Riding of Northumberland and the North Riding of Hastings, and the publication of notice thereof for two weeks in the *Canada Gazette*.

Deed of
agreement.

Registration
and publica-
tion.

Powers of the
Companies not
to be affected,
&c.

Debentures.

6. All the powers of the said Companies respectively shall continue to be held by them as fully and amply as if this Act had not been passed, and the said Companies are empowered to pledge their credit and properties for any such joint object as shall have been ratified by the shareholders, and may issue their joint, or joint and several debentures, in accordance with any such agreement so filed as aforesaid, which shall be binding, and they may charge their respective properties therefor, subject to any existing liens or charges thereon, such debentures to be for sums not less than one hundred dollars respectively.

Public Act.

7. This Act shall be deemed a Public Act.

C A P . L X X ' X I I .

An Act to incorporate the Mount Royal Railway Company.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the persons hereinafter named and others, have, by their petitions to the Legislature, prayed that an Act may be passed authorizing the construction of a line of Railway between certain points adjoining the limits of the city of

of Montreal, by way of Côte St. Catherine, Côte des Neiges, Côte St. Luke and Côte St. Antoine; And whereas such a Railway would greatly tend to the improvement of the neighborhood and to the convenience of the people of the said city and its environs, and it is therefore expedient to grant the prayer of the said petition and to incorporate the said persons for the purpose of carrying the same into effect: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Haviland L. Routh, L. Chaput, Henry Bulmer, Alfred Perry, Joseph Barsalou, Victor Hudon and John Pratt, together with such other persons, corporations and municipalities 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 Mount Royal Railway Company." Certain persons incorporated. Name.

2. The several clauses of the Railway Act with respect to the first, second and third clauses thereof; and also the several clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "General Meetings," "President and Directors, their Election and Duties," "Calls," "Shares and their transfer," "Shareholders," "Actions for Indemnity" and "Fines and Penalties and their prosecution," "By-laws," "Notices" and "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 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 said mentioned provisions of the Railway Act incorporated with this Act as aforesaid; Provided always, that the subsections of the Railway Act relating to "lands and their valuation" and any other provisions of the said Act, which authorize the taking of or entering on lands without the consent of the owner thereof, shall not apply to the Company; and provided further that before the Company enters upon the construction of the said Railway, the plans and surveys therefor shall be approved of by the Board of Railway Commissioners. Certain portions of Railway Act incorporated with this Act. Proviso. Proviso.

3. The said Company and their servants and agents shall have full power under this Act to lay out, construct and complete a line of Railway from such point without the limits of the city of Montreal, at or near the St. Lawrence Toll-gate, by way of Côte St. Catherine, Côte des Neiges, Côte St. Luke and Côte St. Antoine, to the limits of the said city of Montreal, at or near the St. Antoine Toll-gate, as the Company may deem expedient. Company may construct a Railway from St. Lawrence Toll-Gate to St. Antoine Toll-Gate.

May use public roads.

Proviso.

4. For the purposes aforesaid the Company may run their Railway along the side of any road now occupied, held or used by the Trustees of the Montreal Turnpike Trust; Provided always, that there shall be a space of at least seventeen feet between the side of such Railway track, and the centre of such road, but the Company shall not be permitted to use steam-power upon the said Railway.

May run omnibuses, &c., paying tolls.

5. The said Company may run stages, omnibuses and sleighs on the said Turnpike Roads, provided however, that the Company shall pay to the said Turnpike Trustees, such fees or tolls as may be lawfully exacted thereon.

Governor in Council to fix tolls for passengers to Turnpike Trust.

Proviso: for commutation.

6. The Governor in Council is hereby authorized and empowered, from time to time, by an order in Council, to impose and fix such toll upon each and every passenger carried by the Railway, to be paid by the Railway Company to the Trustees of the Montreal Turnpike Trust, as to him shall seem fit, and such tolls shall be a first charge upon the earnings of the said Company, after the deduction therefrom of the running expenses thereof; Provided however, that it shall be lawful for the Company to pay instead of such tolls to the said Turnpike Trustees such commutation in lieu thereof as from year to year may be agreed upon between the Company and the said Trustees; but such agreement shall be subject to the approval of the Governor in Council.

Railway commissioners to make regulations as to fences.

7. The board of Railway Commissioners shall have power to make such regulations with regard to the construction of fences, by the Company, as they may deem the safety of the public to require, and the Company shall be bound to comply with such regulations upon notice thereof, and for every act of non-compliance therewith, the Company shall forfeit to Her Majesty the sum of one hundred dollars.

Form of deeds to Company.

Deeds to be registered.

8. Deeds and conveyances for the land to be conveyed to the said Company under this Act, may be in the form given in the schedule marked A, hereunto annexed, and all Registrars are hereby required to record such deeds on the production thereof, and proof of execution without any memorial, in Registry Books, to be furnished by and at the expense of the said Company, with copies of the form given in the said schedule A, one to be printed on each page, leaving the necessary blank to suit the circumstances of each separate conveyance, and to minute every such entry on the deed, the sum of fifty cents being first paid to the Registrar by the party requiring the same to be recorded, and such registration shall be valid in law.

Provisional Directors.

9. The above-mentioned persons shall be the provisional Directors of the said Company for carrying into effect the objects and purposes of this Act.

10. When and so soon as shares to an amount equivalent to one hundred thousand dollars in 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 said city of Montreal, of the subscribers for stock in the said Company, 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 two of the holders of shares in the said Company, holding among them not less than an amount equivalent to two 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 newspaper published in the said city of Montreal, in the English language, and also in some newspaper published in the said city in the French language; and at such general meeting the Shareholders assembled, with such proxies as shall be present, shall choose seven persons to be Directors of the said Company, being each a proprietor of shares in the said Company to an amount not less than one thousand dollars, and shall 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 Railway, or upon the dissolution of the Company from any cause whatever:

First meeting of subscribers, when to be held.

Proviso.

Proviso.

First election of Directors.

By-laws to be passed.

Proviso: 10 per cent. to be paid up.

11. The Directors so elected, or those appointed in their stead, in case of vacancy, shall remain in office until the second Wednesday in January, which shall happen not less than six months after such election; and on the first Wednesday in January in each year thereafter, or on such other day as shall be appointed by any By-law, an annual general meeting of the shareholders shall be held at the office of the Company for the time being, to choose Directors and generally to transact the business of the Company; but if at any time it should appear to any three or more of such Shareholders, holding together sixty shares at least, that a special general meeting of the Shareholders is necessary to be held, it shall be lawful for such three or more of them to cause ten days' notice at least to be given thereof, in such newspapers as are hereinbefore provided, or in such manner as the Company shall by By-law direct or appoint, 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, 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 a majority of them, at such special meetings assembled, shall be

Term of office of Directors.

Annual General Meeting.

Special General Meetings.

Powers of such special meetings.

be

be as valid to all intents and purposes as if the same were done at annual meetings.

Capital stock.

12. For the purpose of making, constructing and maintaining the Railway and other works necessary for the proper use and enjoyment of the Railway by this Act authorized to be constructed, the Directors of the said Company for the time being, may raise, by subscriptions of stock, the sum of two hundred thousand dollars, divided into four thousand shares of fifty dollars each; Provided always, that the said capital sum may from time to time, if necessary, be increased in the manner provided for in those clauses of the Railway Act which, in and by the second section of this Act, are expressed to be incorporated with this Act.

Previso : for increase.

Scrip and share certificates.

13. The Directors of the said Company for the time being, may make, execute and deliver all such scrip and share certificates, as to the said Directors for the time being shall from time to time seem most expedient, for raising the said sum or for raising any part thereof, 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 Railway, and all the rest and remainder of such money, shall be applied towards the acquisition, in the manner herein directed, of the lands necessary for the purposes of the said Railway, and the lands to be occupied by the same, and the buildings in connection therewith, and also towards the making, completing and maintaining the said Railway, and providing it with rolling stock, and to the other purposes of this Act, and to no other purposes whatever.

Application of capital.

Company may raise loan on debentures.

14. The Directors of the said Company shall have the power, when duly authorized thereto by a vote of the majority of the stockholders in the said Company present at any special general meeting, duly convened for that purpose, or at any general meeting, to issue bonds, debentures, or other securities in sums of not less than one hundred dollars, signed by the President or Vice-President, and countersigned by the Secretary and Treasurer, and sealed with the seal of the Company, for the purpose of raising by loan any amount, not exceeding in the whole two hundred thousand dollars.

Debentures ; form, &c.

15. All debentures and other securities of the said Railway Company may be payable to bearer; and all such bonds, debentures, or other securities of the said Company, and all dividend and interest warrants or coupons 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, and the said debentures may be in the form contained

contained in Schedule B, annexed to this Act, or in any other convenient form similar thereto, and need not be before Notaries, and shall have the effect of creating a mortgage or hypothèque upon the said Railway and the lands and property thereof, and the debentures and mortgages and hypothèques thereby created, shall be to all intents and purposes binding upon the said Company in favor of the holders of the debentures, and have the effect of mortgaging and charging all the land and property of the said Company, without any more formal or particular description than that contained in the said Schedule B, and shall be held to comprehend all the lands and tenements of the said Company, all wharves and buildings of every nature thereon, and in short, all the immovable estate belonging to the said Company, including the rails and iron thereto affixed, any law or usage to the contrary notwithstanding, and such debentures may be made payable either in currency or sterling, and either at any place in Canada or at any place in Great Britain or elsewhere, as the Directors of the said Company may see fit.

To carry a hypothec on Railway, &c.

16. Every proprietor of shares in the said Company shall be entitled on every occasion when the votes of the members of the said Company are to be given, to one vote for every share held by him.

Votes.

17. Any meeting of the Directors of the said Company, at which not less than four of such Directors shall be present, shall be competent to exercise and use all and every the powers hereby vested in the said Directors; and the said Board of Directors may employ one or more of their number as paid Director or Directors.

Meeting of Directors.
Quorum.

18. 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 twenty per centum upon the amount subscribed for by the respective shareholders in the said Company; Provided also, that upon the occasion of any person or corporation, becoming a subscriber for stock in the said Company, it shall and may be lawful to demand and receive to and for the use of the said Company, the amount of such calls as shall have already been made payable in respect of the stock then already subscribed for by the respective shareholders in the said Company at the time of such person or corporation respectively subscribing for stock.

Calls, how made, &c.

Proviso: as to new subscribers after calls.

19. 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 railway, for constructing and keeping in repair, and for carrying on the business of the said Railway; and as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land wherein such deposits

Recital.

Company may purchase and hold lands for stations, gravel pits, &c.,

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 through, 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 to, and to the use of or in 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 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 land 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.

Company may make arrangements as to fences, &c.

20. The Company may enter into an agreement with any proprietor or proprietors of land over whose property the said Railway may pass, as to the making and keeping up of the fences separating the said Railway from such lands, and as to the making and keeping up of any gates, bridges, culverts, crossings, or cattle guards, and as to the consequence of the neglect of keeping the same or any of them in repair, and such agreement being registered in the Registry Office for the County wherein the land is situated, shall be binding as well on the then proprietors of such land, as on their successors, according to the terms and purport of such agreement; provided always, that nothing in this section shall be considered as preventing the laws of prescription from applying to these transactions according to the usual course of the law in Lower Canada.

Forfeiture for non-completion of Railway.

21. If the Railway is not finished and put into operation, in two years from the passing of this Act, the corporate existence and powers of the Company shall cease.

Act not to affect privileges under 24 V. c. 54, &c.,

22. Nothing in this Act contained shall be construed to affect or impair in any wise the privileges granted under the Act chapter eighty-four of the twenty-fourth Victoria, intituled: *An Act to incorporate the Montreal City Passenger Railway Company*, or under the By-law of the Corporation of the City of Montreal, numbered two hundred and sixty-five, to the Montreal City Passenger Railway Company.

Company may enter into agreement with Montreal City Passenger Railway Company.

23. The Company is hereby authorized and empowered to enter into an agreement with the Montreal City Passenger Railway Company, on such terms and conditions as may be agreed upon, for the acquisition of any of the rights, privileges or rights of way of the said last mentioned Company, or for leasing

leasing any portion of their railway, or for uniting or for intersecting their railways, or for agreeing upon traffic arrangements and granting facilities therefor; and the Board of Directors of the said two companies may enter into any such agreements.

24. If hereafter the said Companies shall, on such terms as shall be agreed upon between the Directors thereof, unite, the corporate name and existence of the Montreal City Passenger Railway Company, shall be merged in that of the Mount Royal Railway Company, and the said Mount Royal Railway Company, by that name or by such other name as shall be adopted by the united Companies, and as shall be designated in the said agreement, shall thereafter include the Railway and Works which the said Montreal City Passenger Railway Company is authorized to construct, and the Company shall be possessed of all the rights, franchises and privileges; and be subject to all the liabilities and obligations of the said Montreal City Passenger Railway Company; Provided always, that no such agreement shall have force or effect unless the same be ratified at a Special General Meeting of the Shareholders of each of the said Companies, duly called for the purpose of considering the said agreement, and ratifying or disallowing the same, and if at such meeting of the Shareholders of each of the said Companies, respectively, three-fourths or more of the votes of the shareholders attending the same, either in person or by proxy be given for ratifying the said agreement, then the same shall have full effect, accordingly as if all the terms and clauses thereof not inconsistent with this Act or with law, were enacted in an Act of the Legislature of this Province; and provided further that such union shall in no wise affect or interfere with the liability of the Mount Royal Railway Company, as defined and set forth in the sixth clause hereof.

Or may unite with the said Company.

Proviso: how such union may be agreed upon.

Proviso.

SCHEDULE A.

Know all men by these presents that I _____ do hereby in consideration of _____ paid to by the Mount Royal Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey, and confirm unto the said Mount Royal Railway Company, their successors and assigns for ever, all that certain parcel or tract of land situate _____ 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 everything appertaining thereto, to the said Mount Royal Railway Company, their successors and assigns, for ever.

In witness whereof, &c.

SCHEDULE

SCHEDULE B.

MOUNT ROYAL RAILWAY COMPANY.

This Debenture witnesseth that the Mount Royal Railway Company, under the authority of the Act passed by the Parliament of Canada, in the twenty-ninth year of Her Majesty's Reign, intituled: *An Act to incorporate the Mount Royal Railway Company*, have received from _____ of _____ the sum of _____ as a loan, to bear interest from the date hereof at the rate of _____ per centum per annum, payable half yearly on the _____ day of _____ and on the _____ day of _____, which sum of _____ the said Company bind and oblige themselves to pay on the _____ to the said _____ or to the bearer hereof, and to pay the interest thereon half yearly as aforesaid, on the production of the coupons therefor, which now form part of the Debenture; and for the due payment of the said sum of money and interest, the said Company, under the power given them by the said Act, do hereby mortgage and hypothecate the real estate and appurtenances hereinafter described, that is to say: all their Railway extending from its terminus near the _____ at _____ in the _____ of _____ to its terminus at _____ in the _____ of _____ together with all and singular the stations, station-houses, turn-outs, sidings, and appurtenances thereto belonging:

In testimony whereof, _____ President of the said Company, hath set and affixed his signature, and the common seal of the said Company, at _____ this _____ day of _____ one thousand eight hundred and sixty-

C A P . L X X X I I I .

An Act to extend the time for the completion of the Brockville and Ottawa Railway, and for other purposes.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the Brockville and Ottawa Railway Company have represented that they have, during the last year, completed the construction of that portion of their Railway lying between Brockville and Arnprior, and have prayed for an extension of the time limited to them for the completion of the said Railway from Arnprior to Pembroke, and for certain other amendments to the Acts incorporating and relating to the said Company, 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 time for the completion of the construction of the portion of the Railway lying between Arnprior and Pembroke

Time for completion extended.

is extended for the period of five years from the passing of this Act, and the said Company shall and may have, enjoy, exercise and enforce all the rights, powers, claims, franchises and privileges granted to or conferred on, or held, possessed, or enjoyed by the said Railway Company, by, under or by virtue of the Acts relating to the said Railway Company or any of them, or any Acts in any wise affecting the same, including amongst the other Acts relating to the said Railway Company, an Act passed in the nineteenth and twentieth years of Her Majesty's Reign, intituled: *An Act to provide for and encourage the construction of a Railway from Lake Huron to Quebec*; and also another Act, passed in the twenty-fourth year of Her Majesty's Reign, intituled: *An Act to incorporate the Canada Central Railway Company*; and to amend an Act intituled: *An Act to provide for and encourage the construction of a Railway from Lake Huron to Quebec*.

19, 20 V. c. 112.

24 V. c. 50.

2. The words "by the Railway Company in the proportion of the moneys retained by the Government from the said municipalities respectively" shall be substituted for the words "in the proportion of the amounts loaned and advanced by them to the Railway Company respectively," in the thirteenth section of the Act twenty-seventh Victoria, chapter fifty-seven, which said last-mentioned words were inserted in the said section by error; and the aforesaid words shall be used and taken to be part of the said section.

Error in 27 V. c. 57, corrected.

3. This Act shall be deemed a Public Act.

Public Act.

C A P. L X X X I V .

An Act to incorporate the Windsor and Sandwich Street Railway Company.

[Assented to 18th September, 1865.]

WHEREAS the persons hereinafter named have, by their petition, prayed that they may be incorporated under the title of the Windsor and Sandwich Street Railway Company, for the purpose of constructing and operating a Street Railway from the Town of Sandwich through the Town of Windsor to the Hamlet of Walkerville, in Sandwich East; and whereas it is expedient to grant the prayer of the petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Hiram Walker, Gilbert McMicken, Samuel Smith Macdonell, George Fellers, James McKee, Charles Baby and Arthur Rankin, and such other persons as shall become shareholders of the said company, are hereby constituted a body corporate

Company incorporated.

- Name.** corporate and politic, for the purposes herein mentioned; by the name of the "Windsor and Sandwich Street Railway Company."
- Capital stock.** 2. The capital stock of the company shall be one hundred thousand dollars, in shares of five dollars each.
- When to commence operations.** 3. The company may commence operations and exercise the powers hereby granted, so soon as twenty thousand dollars of the capital stock shall be subscribed, and twenty per cent. thereon paid up.
- Line of railway and works.** 4. The company are hereby authorized and empowered to construct, complete, maintain, and from time to time remove and change a double or single track iron railway, with the necessary side tracks, switches, turn-outs and other appliances for the passage of cars, carriages and other vehicles adapted to the same, upon and along Sandwich street, from the Court House, within the Town of Sandwich, through the Town of Windsor to the Hamlet of Walkerville, and to take, transport and carry passengers upon the said railway, and to construct and maintain all necessary works, buildings and conveniences therewith connected.
- Power to use certain streets and highways.** 5. The company shall have full power and authority to use and occupy the streets or highways known as Sandwich street, and being the travelled highway leading from Sandwich to Walkerville, or such part thereof as may be required for the purpose of their railway track and the laying of the rails and the running of their cars and carriages; provided always, that the consent of the several municipalities respectively, through which the said railway passes, shall be first had and obtained, who are hereby respectively authorized to grant permission to the said company to construct their railway as aforesaid, within their respective limits, across and along, and to use and occupy the said streets or highways, or any part thereof, for that purpose, upon such conditions and for such period or periods as may be respectively agreed upon between the company and the municipalities aforesaid, or any of them; and also subject to an agreement to be made with the Sandwich and Windsor Gravel Road Company, for the use of that portion of the said highway at present under their control.
- How rails are to be laid.** 6. The rails of the railway shall be laid flush with the street and highway, and the railway track shall conform to the grades of the same, so as to offer the least possible impediment to the ordinary traffic of the said streets and highways; and the guage shall be such that the ordinary vehicles now in use may travel on the said tracks, which it shall and may be lawful for them to do, provided they do not interfere with or impede the running of the cars of the company, and in all cases any carriage or vehicle coming in the opposite direction to the cars, shall be required to turn off the tracks.
- Guage.**

7. The affairs of the company shall be under the control of and shall be managed and conducted by a Board of Directors, of not less than three nor more than seven, each of whom shall be a stockholder to an amount of not less than one hundred dollars, and shall be elected on the first Monday of December, of any year, at the office of the company, and all such elections shall be by ballot, by a plurality of the votes of the stockholders present, each share to have one vote; and stockholders not personally attending, may vote by proxy, and the directors so chosen, shall, as soon as may be, elect one of their number as president, which president and directors shall continue in office one year, and until others shall be chosen to fill their places; and if any vacancy shall at any time happen in the office of the president or directors, the remaining directors shall supply such vacancy for the remainder of the year.

Board of directors.

Elections.

Votes.

President, &c.

Vacancies.

8. Hiram Walker, Gilbert McMicken, Samuel Smith Macdonell, George Fellers, James McKee, Charles Baby and Arthur Rankin, shall be the first directors of the company, and may elect from amongst themselves the first president thereof, and shall severally hold their offices until the first Monday of December next after the company go into operation.

First directors

9. The directors of the company shall have full power and authority to make, amend, repeal and re-enact all such by-laws, rules, resolutions and regulations as shall appear to them proper and necessary touching the well-ordering of the company; the number of directors; the acquirement, management and disposition of its stock, property and effects, and of its affairs and business; the entering into arrangements and contracts with the said municipalities and the said Sandwich and Windsor Gravel Road Company; the declaration and payment of dividends out of the profits of the said company; the form and issuing of stock certificates and the transfer of shares; the calling of special and general meetings of the company; the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the company; the fares to be received from persons transported over the railway or any part thereof, and in general to do all things that may be necessary to carry out the objects and the exercise of any powers incident to the company.

Directors may make by-laws for certain purposes.

General powers.

10. The stock of the company shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct.

Stock to be personal estate.

11. If the election of directors be not made on the day appointed by this Act, the company shall not for that reason be dissolved, but the stockholders may hold the election on any other day, in the manner provided for by any by-law passed for that purpose; and all acts of directors until their successors are elected, shall be valid and binding upon the company.

Provision in case of failure of election.

Real estate.

12. The company may purchase, lease, hold or acquire, and transfer any real or personal estate necessary for carrying on the operations of the company.

Power to borrow a limited sum.

13. The directors of the company may, from time to time, raise or borrow, for the purposes of the company, any sum or sums not exceeding in the whole fifty thousand dollars, by the issue of bonds or debentures, in sums of not less than one hundred dollars, on such terms and credit as they think proper, and may pledge or mortgage all the property, tolls and income of the company, or any part thereof, for the repayment of the moneys so raised or borrowed, and the interest thereon; provided always, that the consent of three fourths in value of the stockholders of the company, shall be first had and obtained at a special meeting to be called and held for that purpose; provided also, that the said company shall not be authorized at any time to raise or borrow a sum exceeding the amount of capital stock then paid up.

Proviso.

Proviso.

Municipalities interested empowered to treat with company, and pass By-laws accordingly.

14. The municipalities of the towns of Sandwich and Windsor, and of the townships of Sandwich East and Sandwich West, and the said company, are respectively hereby authorized to make and enter into any agreement or covenants relating to the construction of the said railway, and of the works connected therewith, and the running of the cars, subject to the restrictions contained in this Act, within their respective limits; to pass any by-law or by-laws, and when all parties concur, to amend, repeal or re-enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, and for enjoining obedience thereto, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass; provided always, that no such by-law or by-laws shall infringe upon the privileges granted to the said company by this Act.

Proviso.

Power to acquire right of way from Windsor Gravel road company.

15. The Windsor and Sandwich Street Railway Company are hereby authorized to enter into an agreement with the Sandwich and Windsor Gravel Road Company, on such terms and conditions as may be agreed upon between the said companies for permission to lay a single railway track with the necessary side tracks, switches, turn-outs and other appliances for the passage of cars upon and along that part of Sandwich street, or the highway leading from Sandwich to Windsor under its control, or to acquire wholly the ownership of the said Gravel Road; and in the event of the said Street Railway Company acquiring the ownership of the road, they shall have all the powers and privileges, and be subject to all liabilities of the original Road Company; provided always, that the consent of shareholders holding at least sixty per cent. of the stock of the Sandwich and Windsor Gravel Road Company must

Proviso.

must be obtained before the Street Railway Company hereby incorporated can proceed with the construction of their Railway.

16. No shareholder of the said company shall be liable under this Act for any default or obligation whatever of the company, or for any engagement, claim, payment, loss, damage, transaction, matter or thing soever, relating or attaching to the said company, beyond the amount of his share in the capital stock of the said company.

Liabilities of shareholders limited.

17. This act shall be void unless one mile at the least of the said Railway be constructed and put in use, within four years from the passing of this Act.

Period within which work must be begun.

18. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X V .

An Act to amend the Acts relating to the International Bridge Company.

[Assented to 18th September, 1865.]

WHEREAS the International Bridge Company have petitioned to have the Acts relating to the incorporation of that Company amended, by giving the Shareholders power, by Resolution, at their next General Meeting, to reduce the number of their Directors, to have the quorum of the Directors for the transaction of business reduced, and to authorize the Directors to vote by proxy, and to authorize the holding of the meetings of the Shareholders and Directors respectively, at such place and places in this Province and elsewhere, as may be found most convenient, and for other 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. At the next General Meeting of the Shareholders of the International Bridge Company, it shall be lawful for the Shareholders of the said Company, if they think proper to do so, to pass a Resolution reducing the Directors of the said Company to any number not less than five; and from and after the passing of the said Resolution, the number of Directors named in the said Resolution, shall be the number of Directors of the said Company; and such number only shall be elected at the election of Directors held next after the said Resolution is passed; provided always, that the said Resolution shall, at such meeting, have the assent of those holding at least two thirds in amount of the subscribed shares

Number of Directors may be reduced by Resolution of meeting of shareholders.

Proviso.

shares in the said Company present in person or by proxy, voting at the meeting at which the said Resolution is passed.

Majority of Directors to be a quorum.

2. From and after the passing of this Act, the quorum of the Directors of the said Company shall be a majority of the Board present in person or by proxy; anything to the contrary in any Act notwithstanding.

Directors may vote by proxy. Proviso.

3. After the passing of this Act, the Directors of the Company may vote at any meeting of the Board by proxy; but to constitute a Board meeting, three Directors must be present in person.

Meetings may be held anywhere.

4. Notwithstanding anything in the Acts relating to the incorporation of the said Company, the meetings of the Shareholders of the said Company, and also of the Directors, may be held in such place and places in Canada, or elsewhere out of it, as the Directors may think most convenient, and as they may, from time to time, order; and the notice of any meeting of Shareholders for any purpose, may be given by publication in the *Canada Gazette*, and in one daily paper in Toronto, and one in the City of London, England, for the time at present required by the said Acts for the calling of such meetings.

Notice of meetings.

C A P . L X X X V I .

An Act to incorporate the Longueuil Navigation Company.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS Edouard Lespérance and Isidore Hurteau have, by their humble petition, represented that an association was formed in the Parish of Longueuil, in the month of August, one thousand eight hundred and sixty-five, under the name and style of the "Lespérance and Hurteau Steamboat Company," in which they are sole shareholders, with the view of promoting the public interest, by providing for the inhabitants of the District of Montreal and its environs, the advantages of a ferry by steam navigation across the River St. Lawrence from some point on one bank of the River St. Lawrence to some point on the other in order to reach the City of Montreal or other places, or to any other point which may be considered advisable, and by enabling them to profit by the advantages conferred, by the construction of the wharves and landing places already built, or which may be hereafter built by them upon the line on which their Steamboats run, upon a part of the population of this Province as regards the agricultural and commercial traffic of the inhabitants of the South Shore of the River St. Lawrence with the City of Montreal and other places; and whereas the object of the said Company is to facilitate and promote the inland navigation of the Province, and the said Company have prayed that, to enable them to avoid

avoid certain inconveniences, they may be incorporated: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Edouard Lespérance, Isidore Hurteau, and all others who shall hereafter become subscribers or shareholders in the said Company and all or any other person or persons, bodies politic or corporate who, as executors, administrators, successors and 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 for the purposes mentioned in the preamble to this Act, under the name and style of the "Longueuil Navigation Company," and shall by that name have perpetual succession, and by the same name be capable of suing and being sued in all Courts of Justice in this Province; The said Company may make, establish and put into execution, alter or repeal all By-laws, rules, ordinances and regulations, the same not being contrary to the Laws of this Province nor to the provisions of this Act, as may appear to them necessary or expedient for the management of the business of the said Company; and may moreover regulate and fix the time of all calls on shares to be made by the Directors, and may also fix the interest and dividends to be thereon paid; and if such calls so made by the Directors upon the shareholders in the manner prescribed by the By-laws of the said Company are not paid when they fall due, the directors may, instead of suing for the recovery thereof, by a By-law to that effect, sell the shares upon which such calls are due and unpaid, and may transfer them to the purchaser in the same way as the owner might have done, and the balance of the purchase-money, after deducting all calls due, together with interest and the costs of sale shall be paid over to the owner of the shares sold; all the movable and immovable property, rights and actions belonging to the said "Lespérance and Hurteau Steamboat Company," 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 of all other movable property and effects which the said Corporation may hereafter acquire, and all the debts and obligations of the said "Lespérance and Hurteau Steamboat Company" shall be acquitted and performed by the said Corporation; Provided always that no By-law, Ordinance, Rule or Regulation shall be in force until the same shall have been approved of by a majority of the Directors hereinafter mentioned or their successors, authorized to that effect at the annual general meeting of the stockholders of the said Company.

Certain persons incorporated.

Corporate name and powers.

Power to make by-laws.

Calls on stock.

Directors may sell shares for unpaid calls.

Transfer of rights and liabilities of present company.

Proviso.

2. The capital of the said Company is hereby limited to the sum of twenty-four thousand dollars in shares of ten dollars each;

Capital may be increased.

each; and such capital may be increased to an amount not exceeding in the whole the sum of one hundred thousand dollars in the like parts or shares, by the vote of a majority of the shareholders present at an annual or special meeting, notice of such intention having been given at least thirty days previous to such meeting in the manner prescribed by the By-laws of the Company.

Corporation may hold real estate.

3. The said Corporation under the name of the "Longueuil Navigation Company," may also acquire and hold real estate for the construction of wharves and the erection of warehouses and offices, and for such other necessary purposes in connection therewith as the said Company may deem expedient, at the different ports and places at which the steamboats belonging to the said Company shall touch, and may, at any time, sell, exchange and dispose of the same and purchase other property for the same purposes; Provided always, that the said Company shall not at any time possess real estate, the total value of which shall exceed the sum of sixty thousand dollars.

Proviso: value limited.

Directors.

4. The superintendence, control and management of the affairs of the said Company, shall be vested in five directors, which said directors shall respectively be holders of at least twenty shares in the said Company, which said shares shall be inalienable during their continuance in office; and such directors shall be elected between the first and twentieth days of February in each year, upon the day and at the hour and place which shall be appointed by a majority of the directors, and notice whereof shall be given in one or more newspapers published in the City of Montreal at least ten days previous to the said election; and the said election shall be had and made by the shareholders of the said Company present at the said meeting, and all elections of directors shall be by ballot or by open vote as may be prescribed by the By-laws of the said Company; the directors elected shall meet every year within the fifteen days next after their election, and shall choose out of their number a President and a Vice-President and shall appoint a Secretary-Treasurer, and it shall be the duty of the said President to preside at all meetings of the stockholders or directors; the President may vote at all meetings of the directors, and in case of an equal division of votes, he shall also have a casting vote; any vacancy among the directors occasioned by death, resignation or absence from the Province, shall be filled by such person or persons as the remaining directors or a majority of them may appoint; three members of the Board of Directors of the said Company shall form a quorum thereof for the transaction of business, and the said Board may employ one or more directors as a paid director or directors.

Election of Directors.

Notice of Election.

Ballot.

President, &c., how chosen.

How to vote.

Vacancies how filled.

Quorum.

Votes.

5. Each stockholder not in arrears in respect of any call, shall be entitled to as many votes as he hold shares in the capital stock of the Company, and which said shares he shall have

have held at least one month previous to the time of voting ; and no shareholder in arrears shall be entitled to vote at such election ; and all questions brought before the stockholders at any general or special meeting, shall be decided by a majority of the votes of the shareholders then present, subject in case of an equality of votes to the casting vote of the President.

Majority to decide questions.

6. The President, or in his absence, the Vice-President, or in their default or refusal to act, any two or more directors, may at any time and from time to time, call a meeting or meetings of the stockholders either for general or special purposes ; and every advertisement or notice calling a special meeting shall specify distinctly the purpose or purposes for which such meeting is called, and no other matter or business shall be discussed, concluded upon or settled at such meeting.

Meetings of stockholders how to be called, &c.

7. If at any time it shall happen that an election of directors shall not be made when on any day 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 other day to hold and make an election in the same manner as the annual election of directors is herein provided for.

Provision in case of failure to elect Directors.

8. The stockholders shall not be liable as such, beyond the amount of their subscribed stock or the sum unpaid thereon.

Limited liability of shareholders.

9. The Board of Directors shall, for the management of the affairs of the Company, appoint such agents, captains or other officers as shall be necessary, and shall fix the salary and remuneration to be paid to them.

Appointment of agents, &c.

10. It shall be the duty of the Directors to make such yearly dividends of the profits of the said Company as to them or a majority of them shall seem fit ; and an exact and detailed statement shall every year, between the first day of January and the first day of February, be made of their affairs, debts, credits, profits and losses,—which statement shall be entered on the books of the Company,—which books shall be open to the inspection of any shareholder, and before paying and discharging such yearly dividends of the profit of the said Company ; and out of such dividends, the said Company shall be entitled to keep and retain a special and reserve fund to provide for the acquisition and construction of Steamboats and for the expenses and repairs of Steamboats belonging to the said Company, a clear statement whereof shall be given and kept by the Directors of the said Company to be entered upon the minutes of proceedings.

Division of profits and account.

Special and Reserve Fund.

11. The shares of the capital stock of the said Company shall be transferable, and may from time to time be transferred to others by the respective holders and owners thereof according

Transfer of shares.

to the form prescribed by Schedule A, hereunto annexed ;
 Provided always that the transferor and the transferee shall
 always be held personally liable to the said Company for all
 or any part of the shares by the transferor subscribed, and
 which shall be found to be due and owing by him at the time
 of such transfer ; and provided also that such transferor shall
 not be able to transfer, assign or alienate the whole or any part
 of any such shares by him subscribed, until he shall have paid
 to the said Company all and every such sums of money as he
 may owe to the Company, either for the whole or any part of
 the shares by him subscribed, and which he shall still owe at
 the time of such transfer, assignment or alienation, or for old
 accounts, promissory notes or otherwise.

Proviso.

Proviso; debts
 to company
 must be first
 paid.

Provisional
 Directors.

12. The said Edouard Lespérance, Isidore Hurteau and Ovide Dufresne shall continue in office as Provisional Directors of the said Company until the next annual general meeting of all the shareholders and the appointment of their successors as provided by this Act.

Service of
 process.

13. Any service of process made at the office of the said Company, in the said Parish of Longueuil, and in case the Company should have no office at Longueuil, then upon the President or Vice-President of the said Company, shall be held and deemed to be good and sufficient service by all Courts of Justice in this Province.

Shareholders
 officers, &c. to
 be competent
 witnesses in
 suits.

14. In any action or suit which may be brought by or against the said Company in respect of any contract or any matter or thing whatsoever, any shareholder, officer or servant of the Company shall be a competent witness, and his testimony shall not be declared inadmissible in consequence of his being an interested party or an officer or servant of the Company.

Directors may
 substitute an
 officer for the
 Company in
 certain legal
 proceedings.

15. In case of service upon the said Company of any writ of *saisie-arrêt*, or in case the said Company should be called upon to reply to *interrogatoires sur faits et articles*, or to take the *serment décisoire* or *supplétoire*, any officer of the Company, duly authorized to that effect by a vote or resolution of the Directors thereof, may appear and make a declaration in answer to such writ or reply to such *interrogatoires*, or take such oath, as the case may be, for the said Company ; and such declarations, replies and oaths, as the case may be, shall be deemed and held to be the declarations, replies or oaths of the said Company for all purposes whatsoever, and a copy of such vote or resolution, certified by the President, Vice-President or Secretary of the said Company, produced and filed in Court by one of the said officers, shall be sufficient evidence of his authorization as set forth in and by such copy.

Public Act.

16. This Act shall be deemed a Public Act.

SCHEDULE

SCHEDULE A.

Referred to in the foregoing Act.

For value received from _____ of
 I (or we) do hereby transfer and assign to _____ of
 (name of place) _____ shares, on each of which has
 been paid _____ in the capital stock of the "Longueuil
 Navigation Company," subject to the rules and regulations of
 the said Company, hereby obliging myself (or ourselves) to
 fulfil the obligations imposed by the proviso contained in the
 eleventh section of the Act to incorporate the said Company.

In testimony whereof I (or we) have signed these presents at
 the office of the said Company, this _____ day of
 one thousand eight hundred and _____

(Signature of the Transferor or of his Attorney.)

} Witnesses.

I (or we) do hereby accept the foregoing assignment of
 shares in the capital stock of the "Longueuil Navigation
 Company" assigned to (as above mentioned) this
 day of _____ one thousand eight hundred and _____

(Signature of the Transferee or of his Attorney.)

CAP. LXXXVII.

An Act further to amend an Act intituled: "An Act
 to incorporate certain persons under the name of the
 Richelieu Company."

[Assented to 18th September, 1865.]

WHEREAS the Richelieu Company have, by their petition, Preamble.
 represented that no provision is made in their Act of
 incorporation in reference to the qualification of persons chosen
 as Directors, and they are desirous that the said Act should be
 amended so as to define and establish the said qualification,
 and also in other respects; 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. No person shall be qualified to be elected or to hold office Qualification of
Directors.
 as a Director, unless he shall hold, in his own name, twenty
 shares in the Capital Stock of the Company, on which all calls
 shall

Proviso.

shall have been duly paid ; provided, however, that this clause shall not go into operation until the next annual and general meeting of the Stockholders, to be held after the passing of this Act.

Number of votes to which each shareholder is entitled.

Majority ; proxies ; ties.

2. The fifth section of the said Act is hereby repealed, and the following substituted therefor : " Each stockholder shall be entitled, at all general or special meetings of the Company, to one vote for every share which he shall have held in his own name, at least one month previous to the time of voting ; and all questions brought before the stockholders at any such meeting, shall be decided by a majority of the votes of the shareholders then present in person, or by proxy, subject, in case of an equality of votes, to the casting or double vote of the President or Director presiding at such meeting." 2

Appointment of Attorneys by shareholders.

3. Any person becoming a shareholder may constitute and appoint some other person his attorney, to accept transfers of shares in the capital stock of the Company, to vote in respect of such shares, to receive dividends and bonuses, to sell and transfer any such shares, or for any of such purposes ; such appointment to be in the form prescribed by Schedule A, annexed to this Act, or to the like effect.

Public Act.

4. This Act shall be deemed a Public Act, and the Interpretation Act shall apply thereto.

SCHEDULE A.

STOCK OF THE RICHELIEU COMPANY.

POWER OF ATTORNEY.

To accept transfers, receive dividends, sell and vote.

Be it known to all men, that
is hereby constituted and appointed the lawful Attorney of the undersigned,

for, and in the name of the undersigned,

to accept transfers of shares in the Capital Stock of the Richelieu Company ; to receive and grant receipts for the dividends and bonuses accrued, and to accrue on or in respect of any such shares ; to sell and transfer all or any such shares, and receive and grant receipts for the consideration money ; and to vote in respect of such shares, at all meetings of the Shareholders of the Company, for whatever purpose such meetings shall be held ; the undersigned hereby confirming all
and

and whatsoever shall, in virtue hereof, be lawfully done by said Attorney.

Witness the hand and seal of the said constituent, at the _____ day of _____ in the year of our Lord one thousand eight hundred and _____

Signed, sealed and delivered, in the presence of two witnesses.

CAP. L XXXVIII.

An Act to change the name of "The Bytown Consumers Gas Company," and to confirm, amend and extend their corporate powers, under the name of "The Ottawa Gas Company."

[Assented to 18th September, 1865.]

WHEREAS, under the provisions of a certain Act of the Preamble.
Parliament of the Province of Canada, passed in the sixteenth year of the Reign of Her Majesty, Queen Victoria, intituled: *An Act to provide for the formation of incorporated Joint Stock Companies, for supplying cities, towns and villages, with gas and water*, N. Sparks, John Egan, Hamnett Hill, Joseph Aumond, Richard Kneeshaw, Alexander Workman, J. B. Lewis, C. H. Pinhey, Edward Malloch, James Brough, and Edward McGillivray, did form themselves into an incorporated company for the purpose of supplying the Town of Bytown with gas, the statement or declaration whereof was duly executed by them in duplicate, and registered in the Registry office of the County of Carleton, the twenty-second day of April, one thousand eight hundred and fifty-four, whereby it was declared that the capital stock of the said company should be ten thousand pounds, to be divided into shares of five pounds each, and that the said company should exist for the term of fifty years, and should carry on their operations in the Town of Bytown, in the County of Carleton, and the parties thereto did nominate and appoint five trustees therein named to manage the concerns of the said company for the first year; and whereas the Town Council of the Town of Bytown did, on the seventeenth day of April, in the said year eighteen hundred and fifty-four, enact and pass a by-law, numbered one hundred and ten, granting to the said company, authority as such company to lay down pipes, for the conveyance of gas, under all or any of the streets, squares, and other public places of the said Town of Bytown, and whereas the Town of Bytown has since been erected into a city, under the name of the City of Ottawa, and the president, directors, and company of "The Bytown Consumers Gas Company," have, by their petition, prayed that the incorporation of the said company as aforesaid, and

16 V. c. 173.

and their corporate powers as such, may be confirmed by Act of Parliament, and that the name of such company be changed to "The Ottawa Gas Company," and their corporate powers under such new name amended and extended: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Charter of existing Company and By-law of Bytown, confirmed.

1. "The Bytown Consumers Gas Company" are hereby declared to have been, since the filing of the said statement or declaration in the Registry Office of the County of Carleton, an incorporated company, under the name in the said statement or declaration mentioned, and all contracts, agreements, bonds, deeds, and conveyances made, received, executed, or granted by the said company under their corporate name, have been legally made, received, executed, or granted, and are legal and binding, and the said by-law number one hundred and ten, made by the then Town Council of the Town of Bytown, was, and is, and shall continue, legally operative and binding, for the purposes therein contained.

New name to Company and further powers conferred.

2. From and after the passing of this Act, "The Bytown Consumers Gas Company," shall be called and known as "The Ottawa Gas Company," and shall have power to extend their operations to that portion of the Township of Gloucester, adjoining the City of Ottawa, called the Village of New-Edinburgh, and also to that portion of the township of Hull, opposite the city of Ottawa, called the village of Hull, and also to all portions of the country surrounding the city which may hereafter be taken into the limits thereof, for the purpose of supplying each of the said villages, and other parts aforesaid, with gas light, and for such purposes may lay down under the streets, squares, and public places thereof, respectively, and along the bridges leading thereto, respectively, all necessary metal or other gas pipes for the conveyance of gas, and shall have power at all times, and from time to time, to open up and dig up all and any of the streets, squares, or public places in the City of Ottawa, and the Villages of New-Edinburgh and Hull, or any of them, for the purpose of repairing any of their works, plant or pipes, or for the purpose of laying down others instead thereof, or extending and laying down new plant or pipes.

Company may recover compensation for damage to their property.

3. The said company may recover from any person doing, causing, or permitting the same to be done, compensation for any damage or injury which may be done to any of the plant or pipes, laid down, or to be hereafter laid down by them, under any of the streets, squares, or public places of the said city or villages, and the value of all loss of gas, or loss of sale thereof, occasioned by such damage or injury, together with any expense they may be put to for repairing such damage or injury, or in excavating or laying down other plant or pipes, and covering the same up, or for repairing the lamp-posts or lamps.

4. Notwithstanding anything contained in such statement or declaration so registered or filed as aforesaid, the said company shall be perpetual, and the capital stock of the said company shall be fifty thousand pounds, instead of ten thousand pounds, and shall be divided into shares of five pounds each, and the said company shall have power, at a general meeting of the holders of the present subscribed stock, by a resolution to be ratified by the President and directors under the seal of the company, to declare and make any number of the shares of such stock preferential stock, upon such terms and conditions, and with such advantages to the subscribers and holders of such preferential stock, over the residue of such stock, as they shall see fit, or to sell or dispose of all or any part of the unsubscribed stock of the company, at such rate of premium or discount as shall approximate it in value to the market value of the present subscribed and paid-up stock.

Company made perpetual; capital stock increased.

Power to create preferential stock.

5. And whereas the said company are obliged to increase their works, and plant, for supplying the Parliamentary and Government Departmental Buildings in the said city with gas light, and for extending their operations to the said villages, and require to borrow money for such purposes : Therefore it shall be lawful for the said company to mortgage the real and personal property, plant and pipes, and also the yearly income, debts, yearly gas sales or income, now existing and hereafter to be created, made and obtained by the said company, to any person or body corporate or politic whatsoever, either absolutely or in trust for, and as security for the payment of the money, or payment of any bonds granted for money which may be borrowed by or owing from the said company, and the interest payable thereon, such loan not to exceed twenty thousand pounds, nor to bear more than ten per cent. interest per annum, subject nevertheless to any mortgages heretofore made by the company, and not discharged at the time of borrowing such money, but which may be paid and discharged with the money borrowed under this section, and it shall not be necessary that all the stock of the company shall be subscribed for or sold by the company, before mortgaging as aforesaid, and effecting such loan, and any deed, mortgage, or conveyance to be made by the company, shall be duly executed, if signed by the President or Vice-President and Secretary, and sealed with the corporate seal of the company ; and any power of sale or other provisos, covenants, or provisions which shall be contained in any such deed, mortgage or conveyance, shall be binding on the Company, and their estate, present and prospective, and shall be performed and observed by the company, and may be executed by the mortgagees or grantees, whether individuals or bodies corporate or politic, as fully and effectually as if such deed, mortgage or conveyance were made or given by and from one person to another.

Recital.

Power to raise money by mortgage.

Interest.

Former mortgages.

Powers given by mortgage deed to be valid.

As to registration of mortgages made by the Company.

6. The laws of this Province relating to the filing of mortgages of or against personal property, or copies thereof, or statements or affidavits of the debts secured thereby, or other affidavits in the office of the Clerk of the County Court, shall not apply to any mortgage which may be made by the company under this Act, in which real and personal property shall be conveyed and mortgaged, but the memorial registered in the City Registry Office shall state the personal property as set out in each mortgage.

Provisions of c. 65, Con. Stat. Can. to continue to apply.

7. The provisions of the Act chapter sixty-five of the Consolidated Statutes of Canada, intituled: *An Act respecting Incorporated Joint Stock Companies for supplying cities, towns and villages with Gas and Water*, shall continue to apply to this company, except as altered, amended, or extended by this Act; and this Act shall be deemed a Public Act, and the Interpretation Act shall apply thereto.

Public Act.

C A P. L X X X I X .

An Act respecting the Gaspé Bay Mining Company.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the Gaspé Bay Mining Company have, by their petition, represented that they are incorporated under the Act twenty-third Victoria, chapter thirty-one, and in order to increase their powers and their capital, and to give them the necessary facilities to extend their operations, and carry out the objects of their incorporation, they desire to have their incorporation changed, and to be brought under the Joint Stock Companies General Clauses Consolidation Act of this Province, as named by this Act; 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:

Existing company specially incorporated and continued, with all its property, rights, powers, privileges and liabilities.

1. From and after the passing of this Act, the present holders of the stock in the said Gaspé Bay Mining Company, incorporated under the provisions of the said Act of the Parliament of Canada, twenty-third Victoria, chapter thirty-one, and such other persons as shall, after the passing of this Act, become shareholders in the company incorporated by this Act, shall be, and they are hereby ordained and declared to be a body corporate and politic, for the purposes hereinafter mentioned, under the name of the Gaspé Bay Mining Company; and all the property and estate, real and personal, and the rights, powers and privileges of the said company, incorporated under the said Act of twenty-third Victoria, chapter thirty-one, shall immediately, on the passing of this Act, become vested in the company incorporated by this Act; and the Company incorporated by this Act

Act shall become, and be held for all debts and liabilities of the said Company, so incorporated under the said statute, twenty-third Victoria, chapter thirty-one as aforesaid.

2. The said company may carry on the business of explorations for, and of mining for, finding and getting petroleum and copper, lead and other ores, metals and minerals, and of manufacturing, dealing in and disposing of such petroleum, ores, metals and minerals. Business of the company.

3. The following clauses of the Joint Stock Companies General Clauses Consolidation Act, shall be incorporated with, and form part of this Act, that is to say: The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, and forty-first. Certain clauses of 24 V. c. 18, incorporated with this Act.

4. Immediately on the passing of this Act, the Secretary of the Company shall make from the stock-book of the company, a list or schedule of the names of all those standing on the books of the Company at the date of the passing of this Act, as the holders of the shares of the capital stock in the said company, to be by this Act merged in the company incorporated by this Act as aforesaid; and such list shall shew the correct number of shares held by each of said shareholders, and the amount paid on each, and the Secretary and President shall sign the said list or schedule, and affix thereto the corporate seal of the said company so heretofore incorporated as aforesaid; and the said person shall, in all courts and places, be taken to the extent so shewn to be shareholders in the company incorporated by this Act; and the production of said list, or a certified copy thereof, shall, in all courts and places, be taken and used as evidence of the said contents thereof. Lists of the shareholders to be made. List to be evidence.

5. The capital of the company shall be the sum of two hundred and fifty thousand dollars, and shall be divided into shares of twenty dollars each; and the stock of the said company, incorporated under the Act twenty-third Victoria, chapter thirty-one, shall be taken to be, and shall be entered upon the books of the company incorporated by this Act, as stock in the company incorporated by this Act; and the present holders of such stock shall have credit thereon for whatever sums may have been paid thereon, and shall only be liable further upon, and to the amount still unpaid at the passing of this Act, upon the said stock by them respectively held in the company so incorporated under the said Act. Capital Stock \$250,000. Shares \$20.

Capital Stock
may be
increased to
\$500,000.

6. If the said amount of stock, as incorporated by this Act, be insufficient, the company, by a vote of a majority of the stockholders present at any general meeting called for that purpose, may, from time to time, increase the same, either by admission of new stockholders or otherwise, to a total amount of not more than five hundred thousand dollars; and in such case the new stock shall be paid in upon such conditions, at such times and places, and in such manner as the company at such meeting shall have ordered, or in default of express provisions to that end, then upon such conditions, at such times and places, and in such manner as the directors thereafter, by by-law or otherwise, shall ordain; and such new stock shall be in all respects part of the capital stock of the company.

New stock and
stockholders.

7. All persons who desire to become holders of any share or shares of such new stock, may sign the stock-book which may be opened for that purpose; and such new stockholders shall in respect of their stock so subscribed, have all the rights and privileges of the original stockholders in the company.

First Directors.

8. The first directors of the company incorporated under this Act shall be David D. Bogart, Gilbert McMicken, D. A. Roblin, John McLeod, George E. Desbarats, Andrew Thomson, and Peter D. Conger; and they shall hold office until the first general election (to be held under this Act) of directors; the time and place of holding such meeting to be fixed by a by-law of the said first directors, immediately after the passing of this Act; and until such meeting and such election, the said directors, above named, shall exercise all the powers given by this Act, in the same manner as is provided in case of elective directors, and may proceed with the business of the said company in like manner; and upon and after the passing of this Act, the said company incorporated under the said Act, twenty-third Victoria, chapter thirty-one, shall cease to exist, and the same and its several rights, powers, privileges and property, is and are hereby merged as in this Act provided, into the company incorporated by this Act.

Meeting for the
election of
Directors.

Old company to
merge in new
company.

Public Act.

9. This Act shall be a Public Act, and the Interpretation Act shall apply thereto.

C A P . X C .

An Act to incorporate the English and Canadian Mining Company (Limited.)

[Assented to 18th September, 1865.]

Preamble.

WHEREAS "The English and Canadian Mining Company (Limited)," hereinafter called "the Association," through its Board of Management, have by petition represented that they were duly incorporated under the provisions of the Imperial

Imperial Joint Stock Companies' Acts one thousand eight hundred and fifty-six, and one thousand eight hundred and fifty-seven, by registration of a memorandum of association and articles of agreement under the said Companies' Acts; And whereas, by resolutions adopted at an extraordinary meeting of the Shareholders, held in London, England, on the nineteenth day of May, eighteen hundred and sixty-four, and confirmed at a similar meeting, held on the ninth of June following, the management and direction of the association were transferred to Canada; and whereas the petitioners represent, that they are possessed of divers valuable properties and mining rights in the County of Megantic, and have prayed for the passing of an Act to give them a corporate existence in this Province, 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. J. Douglas, the Honorable George Pemberton, W. D. Campbell, P. Peebles, George Hall, the Honorable Charles Alleyne, George W. Vesey, S. J. Shaw, A. J. Maxham, R. H. Wurtele, A. C. Buchanan, J. B. Parkin, M. Sheppard, C. P. Fremont, Weston Hunt, H. J. Noad, J. G. Clapham, F. Langlois, E. J. Price, Henry Goodwin, and their associates and successors, together with all such persons who shall hereafter become shareholders, shall be and are hereby constituted a body politic and corporate, under the name of "The English and Canadian Mining Company."

Incorporation.

Corporate name.

2. The Company may carry on the business of exploring for, mining, smelting, manufacturing, and selling copper and other ores and metals, and for these purposes may acquire and hold, by purchase, lease, or other legal title, such lands in the County aforesaid, not exceeding five thousand acres in superficies, and construct and maintain such buildings and machinery and other improvements thereon, and sell and dispose of the same and acquire others in their stead, as the company may deem for its advantage, and may acquire any royalty or percentage payable for the privilege of mining, smelting or manufacturing copper or other ores and metals; Provided, however, that the acquisition of any such royalty or percentage shall not entitle the company to carry on any mining operations, beyond the limits of the said county, but such company may carry on smelting and manufacturing operations elsewhere than in the said limits.

Business of the Company.

Real property limited.

Proviso.

3. The capital stock of the Company shall be the sum of two hundred thousand dollars, divided into eight thousand shares of twenty-five dollars each, and may be from time to time increased, as the wants of the Company require, to an amount not exceeding one million dollars in the whole.

Capital Stock. Shares.

Increase.

Provisional
Directors.

Their powers.

Powers of Di-
rectors.

Power to make
By-laws; and
for what pur-
poses.

Proviso: By-
laws must be
confirmed by
general meet-
ings.

Certain provi-
sions of 27, 28
V. c. 23, s. 5, to
form part of
this Act.

4. Until the first election of Directors, the said James Douglas, W. D. Campbell, P. Peebles, the Honorable George Pemberton and George Hall, shall be a Board of Directors of the Company, with power to fill vacancies, to keep stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company, at such time and place within this Province, as they shall determine; and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

5. The Directors of the Company shall have full power in all things to administer the affairs of the Company, and may make or cause to be made for the Company any description of contract which the Company may by law enter into; and may from time to time make By-laws not contrary to law, to regulate the allotment of new Stock, the making of calls thereof, the issues and registers of certificates of Stock, the forfeiture of Stock for non-payment, the disposal of forfeited Stock and of the proceeds thereof, the transfer of Stock, the declaration and payment of dividends, the number of the Directors, their term of service, the amount of their Stock qualification; the appointment, functions, duties and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration, the time at which and the place or places where the annual meetings of the Company shall be held, and where the business of the Company shall be conducted, within or without this Province,—the calling of meetings, regular and special, of the Board of Directors, and of the Company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by By-law, and the conduct in all other particulars of the affairs of the Company; and may from time to time repeal, amend or re-enact the same; but every such By-law, and every repeal, amendment or re-enactment thereof, shall not have effect until confirmed at a general meeting of the Company duly called for that purpose, or at the next annual meeting of the Company.

6. The following subsections of section five of the Act chaptered twenty-three, of the twenty-seventh and twenty-eighth Victoria, intituled: *An Act to authorize the granting of charters of incorporation to manufacturing, mining and other companies*, shall apply to the company hereby incorporated, and shall be read as forming part of this Act, viz:—numbers one, three, four, five, (including the clauses thereof, lettered *a, b, c, d, e* and *f*), six, eight, nine, ten, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, (with the exception of the clause one), twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two and thirty-three.

7. All and every the shareholders of the association herein before mentioned, shall be and be held to be shareholders in the Company hereby constituted, to the same amount of stock as they now hold in the association; and all real or other estate, and all debts, claims and demands belonging to the association, with all their present rights and preferences, at the time of the passing of this Act, shall be and they are hereby vested in the Company hereby constituted, and shall be dealt with, managed and administered, as any other property or effects to be acquired by the same, and the Company hereby constituted shall be liable for all debts, dues or claims against the said association.

Amalgamation of the former association and the Company.

8. This Company shall be subject to such other and further provisions as the Legislature may deem expedient.

Subject to future Acts.

9. This Act shall be deemed a Public Act.

Public Act.

C A P . X C I .

An Act to incorporate "The Bothwell, C. W., Land and Petroleum Company (Limited.)"

[Assented to 18th September, 1865.]

WHEREAS Alexander McEwan, of Glasgow, in the County of Lanark, in that part of the United Kingdom called Scotland; John Walker, lately of Glasgow, but now residing at Bothwell, in the Province of Canada; George Wilson and Richard Chambers, also of Bothwell, have, by their petition, represented that they have, with others, formed themselves into a company under articles of association (under the Companies' Act of one thousand eight hundred and sixty-two,) in Great Britain, under the name of "The Bothwell, C. W., Land and Petroleum Company (Limited)," for the purpose, among others, of acquiring, by purchase, lease, license or otherwise, lands bearing or producing oil or petroleum, ores, mines or minerals, and of working the same; and that, under their articles of association, they have acquired a large extent of land in Western Canada, and have expended large sums of money in establishing works thereon, and that they are now carrying on their operations under the said articles of association, but can do so to greater advantage by the aid of a Charter of Incorporation, and have prayed for the passing of an Act to that end, and it is expedient that such prayer be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

Recital of articles of association.

1. The said petitioners and others, the subscribers to the said memorandum of association, and all such other persons as shall become shareholders in the company hereby constituted, shall be and they are hereby made a body corporate and politic

Incorporation.

Corporate name.

politic by the name of "The Bothwell, C. W., Land and Petroleum Company (Limited)," and all and every the lands and other property so purchased and acquired by or for the said association, and all debts and claims now due to or possessed by them shall, upon the passing of this Act, vest in the company hereby created, who shall, in like manner, be liable to and for all debts due by or claims upon the said association.

Transfer of property and liabilities.

Business of Company.

Petroleum.

Farm lands and factories.

Disposing of lands, &c.

Vessels.

Loans.

Amalgamation with other Companies.

General powers.

2. The company hereby established may carry on the business of exploring, searching for, working, extracting, manufacturing, converting or otherwise obtaining, in Canada, oil, petroleum, ores, mines or minerals; the sinking of wells, shafts, pits, and the purchasing, erecting and constructing of works, machinery, plant and other things necessary for the above purposes, and the clearing, cultivating, farming and working the said lands, hereditaments and other property which may be acquired by the company, the erection and working of wool and other factories thereon; the making and entering into contracts, agreements, engagements or dealings with any company or person for the sale, lease, license, working or otherwise disposing of the whole or any part of the said lands, tenements and hereditaments, and the produce derived therefrom, and the oil, petroleum, ores, mines and minerals, under or obtainable from the said lands or otherwise acquired, and whether raw or crude or manufactured or converted or refined, and the executing and finally completing and carrying into full force all such contracts, engagements and agreements; the purchasing or chartering or hiring of ships, vessels or other craft, for the transmission, exportation or conveyance of any of the said produce; the effecting loans on the company's property whenever it may be deemed necessary for the purpose thereof to do so; the purchase of the whole or any part of the business of any other company or person, or the amalgamation of the said company with any other company or companies of a similar nature, and the acquiring by purchase, lease, license or otherwise, any other lands producing or supposed to be capable of producing oil, petroleum or minerals, and generally the doing of such acts or things as are, directly or indirectly, incidental to the business or calculated or conducive to the attainment of the above objects or any of them and the promotion of the interests of the company.

Capital stock and shares.

3. The capital stock of the company shall be the sum of one hundred thousand pounds sterling, divided into ten thousand shares of ten pounds sterling each.

Calls on shares.

Interest thereon.

4. The capital stock shall be paid by the subscribers therefor, when, where, and as the directors of the company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid

unpaid, and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe and within the time limited by such notice, the directors may, by vote, reciting the fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide.

Forfeiture for non-payment.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions, as the by-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Stock to be personal estate.

6. At all meetings of the company, every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company, and no shareholder being in arrear shall be entitled to vote, and all votes may be given in person or by proxy; provided always, that the proxy is held by a shareholder not in arrear, and is in conformity with the by-laws.

Scale of votes.

Proviso.

7. The affairs of the company shall be administered by a Board of not less than seven nor more than nine Directors, being severally holders of at least fifty shares of stock; and the office of a director upon his ceasing to hold that number of shares, shall immediately cease and be vacated; such directors shall be elected at the first general meeting, and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who, if otherwise qualified, may always be re-elected, and three members of such board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto; but a failure to elect directors or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose; provided, that voting by proxy shall not be allowed at any meeting of the Board of Directors.

Election of directors.

Qualification.

Quorum.

Vacancies.

Failure of election.

Proviso.

8. The Board of Directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made, any purchase, and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company), regulating the calling in of instalments on stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock

Powers of Board of Directors: may make by-laws for certain purposes.

stock for non-payment ; the disposal of forfeited stock and the proceeds thereof ; the transfer of stock ; the declaration and payment of dividends ; the appointment, functions, duties and removal of all agents, officers and servants of the company ; the security to be given by them to the company ; their remuneration and that (if any) of the directors ; the time and place for holding the annual and other meetings of the company, within the Province or elsewhere ; the calling of meetings of the company and of the Board of Directors ; the quorum ; the requirements as to proxies ; the procedure in all things at such meetings ; the site of their chief place of business, and of any offices which they may require to have ; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law ; and the conduct in all other particulars of the affairs of the company ; but every such by-law, and every repeal, amendment, and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company ; and every copy of any by-law, under the seal of the company, and purporting to be signed by any officer of the company, shall be received in all courts of law as *prima facie* evidence of such by-law.

By-laws to be confirmed by shareholders.

Provisional directors.

9. Until the first election of such board, David Law, Phoenix Iron Works, Glasgow ; William Colvin, Athole Place, Glasgow ; James Pope Kitchin, Old Broad-street, London ; Robert Bryson, Junior, West George-street, Glasgow ; and the said Richard Chambers, George Wilson, and Alexander McEwan, shall be a Provisional Board of Directors for the said company, with full power to fill vacancies, to open stock-books, assign stock, make calls for and collect instalments, issue certificates and receipts, convene the first general meeting of the company at such time and place within this Province, or elsewhere, as they shall determine, and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Their powers.

Place of business.

10. The principal office and place of business of the company shall be in the first instance in Glasgow, in that part of the United Kingdom of Great Britain and Ireland called Scotland, and in addition thereto the company may establish and have any place or places of business in this Province, in Great Britain, or in the United States of America, and may at any one thereof order, direct, do and transact their affairs and business, or any thereof, in such manner as may be prescribed by their by-laws.

Company not bound to see to trusts on stock.

11. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares ; and the receipt of the person in whose name the same shall stand in the books of the company, or his personal representatives, shall be a discharge to the company for any dividend or money payable in respect of such shares, whether

whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

12. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof.

Liability of shareholders limited.

13. It shall be lawful for the said company, by warrant or letter of attorney, under their corporate seal, to constitute and appoint two or more persons living in Upper Canada to execute all such conveyances, deeds, leases or other instruments, as may be found or deemed to be necessary, in the name of and on behalf of the company, to any person or persons, of any part of the lands, tenements or hereditaments, or other property of the company; and it shall be lawful also for the said company to commit to the custody of such attorney or attorneys, for the time being, a seal for the purpose of executing such deeds or other instruments, and such seal, from time to time, to break, alter or renew, as to them may seem meet, and every conveyance, deed or other instrument, so made and executed, and countersigned by the secretary of the company, shall be valid and effectual in law to all intents and purposes whatsoever, and no person dealing with such attorneys, or taking such conveyances or other instruments, shall be bound to enquire into the authority of such attorneys to make such conveyances or other instruments; but the affixing of such seal by parties acting or professing to act as such attorneys, when confirmed by the signature of the secretary, shall be conclusive evidence of the validity of the same as against the company, and shall be receivable in evidence as *prima facie* proof in any court of justice or legal or equitable proceeding, or before any tribunal, that such deed, conveyance or other instrument, had been duly executed by the said company, without any proof of the said corporate seal, or of the signature or appointment, or of the official character of the person or persons appearing to have signed the same.

Company may appoint persons to act as their attorneys in Canada.

Evidence of deed executed by such attorney.

14. The seal so affixed to any conveyance, deed or instrument in writing, or to any memorial thereof, for the purpose of registration of the said deed, conveyance or other instrument in writing, in the proper office for registering the same in Upper Canada, shall of itself be sufficient evidence of the due execution of such conveyance, deed or other instrument and the memorial thereof, by the said company, for all purposes respecting the said registration, and no further evidence or verification of the persons who shall sign or attest such deed, conveyance or other instrument in writing, or the memorial thereof, shall be required for the purpose of registry, in any county

Seal of company to any deed to be sufficient evidence for registry.

county in Upper Canada, any law, usage or custom to the contrary notwithstanding; and the Registrar of such county shall register the same without any further proof of such corporate seal or any other proof whatever.

Trustees, &c.,
not personally
liable as
shareholders.

15. No person holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate, or the minor, ward or interdicted person, or the person interested in such trust fund would be, if living and competent to act, and holding such stock in his own name; and no person holding such stock as collateral security shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly.

Trustees, &c.,
entitled to
represent stock.

16. Every such executor, administrator, tutor, curator, guardian or trustee, shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a shareholder, and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder.

Liability of
directors de-
claring fran-
dulent dividend.

17. If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable as well to the company as to the individual shareholders and creditors thereof, for all the debts of the company then existing, and for all thereafter contracted during their continuance in office respectively; but if any director present when such dividend is declared do, forthwith, or if any director then absent do within twenty-four hours after he shall become aware thereof and able so to do, enter, on the minutes of the Board of Directors, his protest against the same, and do, within eight days thereafter, publish such protest in at least one newspaper published at, or as near as may be possible to the office or chief place of business of the company, such director may thereby, and not otherwise, exonerate himself from such liability.

Company may
not lend money
to any share-
holder.

18. No loan shall be made by the company to any shareholder, and if such be made, all directors and other officers of the company making the same, or in any wise assenting thereto, shall be jointly and severally liable to the company for the amount of such loan—and also to third parties, to the extent of such loan with legal interest—for all debts of the company contracted from the time of making such loan to that of the re-payment thereof.

Public Act.

19. This Act shall be deemed a Public Act.

CAP. XCII.

An Act to grant certain powers to the Waterloo County Mutual Fire Insurance Company.

[Assented to 18th September, 1865.]

WHEREAS the Waterloo County Mutual Fire Insurance Company have by their Petition set forth, that they have been organized and have carried on business in the Village of Waterloo, in the County of Waterloo, since the month of March, one thousand eight hundred and sixty-three, as a Mutual Fire Insurance Company, under the provisions of the Act respecting Mutual Insurance Companies, and have prayed that for the better management of the affairs of the Company, additional powers may be conferred upon them, and it is expedient that the prayer of the said petition be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said company may hold their annual meetings for the election of Directors at such time in each year as may appear most expedient to the Board of Directors.

Preamble.
Annual meet-ings.

2. The said company may issue policies and collect premiums in cash for insurance for terms of two or more years; and parties so paying in cash, shall not be liable to any further charge or assessment whatsoever, nor shall they be held to be members of the said company in any respect.

Association may issue policies for terms of two or more years.

3. The said Company may levy an annual assessment upon all premium notes held by them, for the purpose of paying losses by fire and the incidental expenses of the company, which assessment shall be payable at such time as the Directors may determine; provided that no such annual assessment shall be levied for any amount over and above twelve per cent., on any such premium note or notes, unless, and until the whole amount so raised shall have become exhausted, and that no premium note shall be taken for more than fourteen dollars on each hundred dollars of insured property; but the said company may take premium notes at a higher rate than fourteen dollars on each hundred dollars of insured property, provided that the annual assessment to be levied on such premium note is reduced in the same proportion as the note is increased.

Annual assessment may be levied.

Proviso: amount thereof limited.

Exception.

4. All Premium Notes given within the year, for which the annual assessment is made, and all premium notes expiring during the year, shall be assessed in proportion to the time for which they are in force; and the cash premium paid at the time of insurance shall in no case be held to be part of the annual assessment.

Proportion of assessment on premium notes

Certificate of Secretary evidence of amount due.

5. Whenever any assessment is made on any premium note given to the company for any risk taken by the company, or as a consideration for any policy of Insurance issued or to be issued by the company, and an action is brought to recover such assessment, the certificate of the Secretary of the company, specifying such assessment and the amount due to the association on such note by means thereof, shall be taken and received as *prima facie* evidence thereof, in all Courts and places whatsoever.

In case of failure to pay premiums, &c

6. In case of the failure or neglect on the part of any policyholder to pay the amount of any premium note given for insurance, or any assessment thereon, on the day when the same shall be due, or within thirty days thereafter, the policy on account of which such note was given or assessment made, shall become void and of none effect for and during such period as the said note or assessment shall remain unpaid; provided that it shall be optional with the Directors to enforce payment of the said note or assessment at their discretion.

Cap. 52 Con. Stat. U. C. to apply.

7. The Act respecting Mutual Insurance Companies, being chapter fifty-two of the Consolidated Statutes for Upper Canada, except in so far as the same may be inconsistent with this Act, shall apply in all its provisions to the Waterloo County Mutual Fire Insurance Company.

Public Act.

8. This Act shall be deemed a Public Act.

C A P . X C I I I .

An Act specially to incorporate the Tadousac Hotel and Sea Bathing Company.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the Tadousac Hotel and Sea Bathing Company have, by their petition, represented that they are an incorporated Company, under the provisions of chapter sixty-three, of the Consolidated Statutes of Canada, and that in order to increase their powers and their capital, and enable them to complete their establishment and carry on their business more efficiently, they desire to have their incorporation changed, and to be brought under the operation of a Special Act of incorporation; 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:

Shareholders incorporated.

1. Upon, from and after the passing of this Act, the shareholders in the said Tadousac Hotel and Sea Bathing Company, that is to say, the Honorable David Edward Price, of Chicoutimi; James Bell Forsyth, William Rhodes, John Gilmour and Willis Russell,

Russell, Esquires, of Quebec; George William Campbell, Esquire, M. D., and Charles John Brydges and Alexander Urquhart, Esquires, of Montreal; and Joseph Radford, Esquire, of Tadousac; and all such other persons as are now shareholders in the said company, heretofore incorporated as aforesaid, together with all such other persons as shall become shareholders in the same after the passing of this Act, shall be, and continue to be, and they are hereby ordained and declared to be a body corporate and politic, for all and every the purposes hereinafter mentioned, by and under the same name, style and title of the Tadousac Hotel and Sea Bathing Company; and all the property and estate, real and personal, movable and immovable, and the rights, powers and privileges of the said company incorporated under the said chapter sixty-three of the Consolidated Statutes of Canada, shall, immediately on the passing of this Act, become vested in the company incorporated by this Act; and the company incorporated by this Act, shall become and be bound by all the contracts and obligations, and liable for all the debts and liabilities of the said company so incorporated, under the said chapter sixty-three of the Consolidated Statutes of Canada as aforesaid; and upon and after the passing of this Act, the said company incorporated under the said chapter sixty-three of the Consolidated Statutes of Canada, shall cease to exist, and the same and its several rights, powers, privileges and property is and are hereby merged, as in this Act provided, into the company incorporated by this Act.

Corporate name and powers.

Con. Stat. Can. c. 63.

Transfer of rights and liabilities.

Former company merged in this.

2. The said company may erect and construct a public hotel and baths, bath houses and bathing machines, and may continue to hold and enjoy such as it has erected and constructed before the passing of this Act, and may make such other and further provision as is usually necessary for a first class sea bathing establishment, at the village of Tadousac, in the township of Tadousac, in the district of Saguenay, and may lease the same, or any of them, or any part thereof, from time to time; but the chief place of business of the said company shall be at the city of Quebec, in the district of Quebec.

Power to hold or erect an hotel, &c.

3. The said company may, in its corporate name, continue to hold its immovable property at Tadousac, and may purchase and hold any adjacent or other immovable property there which it may be necessary for it to purchase and hold, in order the better to fulfil the purposes of this Act, and may hypothecate the whole or any part of its immovable property, to any amount not exceeding two thirds of the actual value, and apply the proceeds for the same purposes; and may, from time to time, sell, alien and convey any immovable property no longer required by it for such purposes, or any of them, and apply the proceeds of such sale to any one or more of such purposes; or to the payment of any debt legitimately contracted by the said company in the course of its ordinary business.

Purchasing Real Estate.

And hypothecate,

Or sell the same.

Capital and shares.

Transfer of stock of present Company.

4. The capital stock of the said company shall be the sum of forty thousand dollars, and shall be divided into four hundred shares of one hundred dollars each; and the stock of the said company incorporated under the said chapter sixty-three of the said Consolidated Statutes of Canada, shall be taken to be and shall be entered upon the books of the company incorporated by this Act, as stock in the company incorporated by this Act; and the holders of such stock shall have credit thereon for whatever sums they have paid thereon, and shall only be liable further upon and to the amount still unpaid at the passing of this Act, upon the said stock by them respectively held in the company so incorporated, under the said chapter sixty-three of the Consolidated Statutes of Canada.

Shares to be personalty.

Proviso: debt to Company to be paid before transfer.

5. The shares of the said capital stock shall be deemed personal estate, and shall be transferable, and may from time to time, be transferred, by the respective holders and owners thereof, according to the form prescribed by Schedule A, hereunto annexed; provided always, that the transferor shall always be held personally liable to the said company for all or any part of the shares by him subscribed, and which shall be found to be due and owing by him at the time of such transfer; and provided, that the said transferor shall not be able to transfer, cede and alienate all or any part of such shares by him subscribed for, until he shall have paid to the said company all and every the sums of money which he may owe to such company, either for the whole or any part of the shares by him subscribed for, and for which he shall be indebted at the time of such transfer, cession or alienation, or which he shall owe to the said company upon accounts, promissory notes, or otherwise.

Company not bound to see to trusts on shares.

6. 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 discharge to the company 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 company have had notice of such trust; and the company shall not be bound to see to the application of the money paid upon such receipt.

Liability of shareholders.

Limitation.

7. Every shareholder of the said company shall, until the full amount of his stock be paid up, be jointly and severally liable for all debts and contracts made by the said company, but not to a greater amount than a sum equal to the amount of his subscribed stock; and every shareholder may pay up the full amount of his stock at any time after he has subscribed for the same; and after his own stock has been paid up, no shareholder shall be personally liable for or charged with any debt

debt whatever of the said company, save and except as herein-after mentioned.

8. The shareholders in the said company shall be jointly and severally individually liable for all debts due and owing to any of the laborers, servants and apprentices thereof, for services performed for the said company ; but no shareholder in the said company shall be personally liable in the foregoing or in any other of the cases in which personal liability is imposed by this Act, for the payment of any debt contracted by the said company, which is not to be paid within one year after the same was contracted ; and no judgment shall be entered upon in any suit against any shareholder in the said company for any debt so contracted, unless such suit be commenced within two years from the time he ceased to be a shareholder in the said company, nor until an execution against the said company has been returned unsatisfied in whole or in part.

Liability for wages.

Exception.

9. No person holding stock in the said company as executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to any liability as a shareholder of the said company ; but the estates and funds in the hands of such executor, administrator, tutor, curator, guardian or trustee, shall be liable in like manner and to the same extent as the testator or intestate, or the minor, ward, or interdicted person, or the person interested in such trust fund would be if he were living and competent to act and held the same stock in his own name ; and no person holding such stock as collateral security shall be personally subject to any liability as shareholder of the said company, but the person pledging such stock shall be considered as holding the same, and shall be liable as shareholder accordingly.

Non-liability of Executor, &c.

Or person holding stock as security.

10. Every such executor, administrator, tutor, curator, guardian or trustee, shall represent the shares of stock in his hands at all meetings of the company, and may vote accordingly as a shareholder ; and every person who pledges his stock as aforesaid, may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder.

Votes of executors, &c.

11. No person holding stock as executor, administrator, tutor, curator, guardian or trustee, shall be a Director or hold any office in the service of the company ; and all votes given to any person so holding stock shall be void.

Not to hold office.

12. The capital stock be paid by the subscribers therefor, when, where, and as the Directors of the company shall require, or as the by-laws may provide ; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day, upon the amount due and unpaid ; and in case any instalment or instalments shall not be paid

Calls on stock.

Interest thereon.

Forfeiture for non-payment.

paid as required by the Directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the Directors may, by vote, reciting the fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide.

Calls may be recovered by action.

13. The Directors shall also have power to enforce the payment of any call or calls on any share or shares of the capital stock subscribed, by action in the name of the company, in any court of law having jurisdiction to the amount of such call or calls in cases of simple contract, instead of forfeiting such share or shares; and in any such action it shall be competent for any shareholder or officer of the company to be examined as a witness on the part of the company.

Witnesses.

Votes and meetings of the Company.

14. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder, being in arrear, shall be entitled to vote; and all votes may be given in person or by proxy; provided always the proxy is held by a shareholder not in arrear, and is in conformity with the by-laws; and all questions brought before the shareholders, at any general or special meeting shall be decided by a majority of such votes given by the shareholders then present, or by their proxies; and, in case of an equality of votes, by the casting vote of the president.

Proxies.

Majority to decide.

Ties.

Directors.
President.

Quorum.

Vacancies.

No proxies.

15. The affairs of the company shall be administered by a Board of nine Directors, one of whom shall be President and another of whom shall be Vice-President; and five members of such Board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any Director, such Board, if they see fit, may fill the vacancy until the next annual meeting of the company by appointing any qualified shareholder thereto; but voting by proxy shall not be allowed at any meeting of the Board of Directors.

First President,
Vice-President
and Directors.

16. The said William Rhodes shall be the first President, the said Honorable David Edward Price shall be the first Vice-President, and the said John Gilmour, James Bell Forsyth, Willis Russell, Charles John Brydges, George William Campbell, Alexander Urquhart, and Joseph Radford, shall be the first Directors of the said company, under this Act, and shall continue in office as such until the first annual meeting of the shareholders of the said company, to be held under this act, as herein mentioned.

Annual general meetings for

17. On the first Wednesday in the month of November next, which is not a holiday, and on the first Wednesday which is not

not a holiday in each year thereafter, a general meeting of the shareholders of the said company shall be held at the principal office of the said company, in the City of Quebec, at which meeting the shareholders present in person or by proxy shall elect nine Directors being severally holders of at least two shares of the capital stock of the company, to hold office until their successors are elected, and who, if otherwise qualified, may always be re-elected; and such nine Directors shall elect from among themselves, a President and a Vice-President; and notices of such annual general meetings, in which the hour of meeting shall be named, shall be sent to each shareholder, or inserted in a newspaper or newspapers published in each of the cities of Quebec and Montreal, one month before the holding of the same.

election of directors, &c.

President and Vice-President.

Notice of meetings.

18. The president, or any two or more Directors may, at any time, and from time to time, call a meeting or meetings of the shareholders, either for general or special purposes; and any four shareholders may, at any time, call special meetings of the company, upon giving, at least, ten days' notice, by advertisement, in a newspaper or newspapers published in the city of Quebec, or by sending a written or printed notice to each shareholder, by post or otherwise.

Special meetings.

Notice.

19. If at any time it shall 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 other day, to hold and make an election in the same manner as the annual election of Directors is herein directed to be made.

Provision in case of failure of election.

20. The Board of Directors shall have full power in all things to administer the affairs of the company, and to make or cause to be made any purchase and any description of contract which the company may by law make; to institute and prosecute, or defend, any suit or suits at law or in equity in the name of the company; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company), regulating the calling in of instalments on stock and payment thereof, the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company; their remuneration and that (if any) of the directors; the place for holding the annual and other meetings of the company within the City of Québec; the calling of meetings of the company and of the Board of Directors; the requirements as to proxies; the procedures in all things at such meetings; the site of their chief place of business in Quebec.

Powers of Directors.

Suits.

Calls.

Dividends.

Officers.

Meetings and proxies.

Place of business.

Quebec and of any other offices which they may require to have; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; but every such by-law, and every repeal, amendment, and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; and every copy of any by-law under the seal of the company and purporting to be signed by any officer of the company, shall be received in all courts of law as *prima facie* evidence of such by-law.

General powers.

By-laws to be confirmed.

Proof.

Dividends and accounts.

Copy to legislature.

Reserve Fund.

List of shareholders, &c.

Liability of Directors paying dividends improperly.

Exception.

False certificates, &c.

21. It shall be the duty of the Directors to make such yearly dividends of the profits of the said company as to them, or a majority of them, shall appear advisable; and an exact and particular statement shall be annually made of their affairs, debts, credits, profits and losses, such statement to appear on the books of the company, and to be open to the perusal of any shareholder; and a copy thereof certified by the oath of the President or two of the Directors, shall be transmitted annually to each of the three branches of the Provincial Legislature, which oath any Judge, Commissioner, or Justice of the Peace is hereby authorized to administer; and before paying and liquidating such annual dividends of the profits of the said company, and out of such dividends, the said Directors shall have a right to keep and retain a special and reserve fund, to be employed for all acquisitions and building of baths, bath-houses, and bathing machines, as may be deemed necessary by the said company and the expenses and repairs of the same, and of the hotel belonging to the company, a clear statement whereof shall be submitted and retained by the Directors of the said company, to form part of the minutes of their deliberations; a book shall be kept in which shall be entered the name, calling and residence of every shareholder; also, the number of shares held by each; and every shareholder shall have the right to obtain a certificate shewing the number of shares held by him.

22. If the Directors of the said company declare and pay any dividend when the company is insolvent, or any dividend, the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the company then existing, and for all thereafter contracted during their continuance in office respectively; but if any Director objects to the declaring or payment of such dividend, and at any time before the time fixed for the payment thereof, files a written statement of such objection in the office of the Secretary of the company, such Director shall be exempt from such liability.

23. If any certificate or report made, or public notice given by the officers of the said company, in pursuance of this Act, be

be false in any material representation, all the officers who signed the same shall be jointly and severally liable for all the debts of the company contracted while they are officers or shareholders thereof respectively.

24. If the indebtedness of the said company at any time exceeds the amount of its capital stock, the Directors assenting thereto shall be personally and individually liable to the creditors of the company for such excess. Directors liable in certain cases.

25. No loan of money shall be made by the said company to any shareholder therein; and if any such loan be made to a shareholder, the officers who make or assent thereto shall be jointly and severally liable to the extent of such loan, with legal interest thereon, for all the debts of the company thereafter contracted until the repayment of the sum loaned. No loans to shareholders.

26. The company shall not use any of its funds in the purchase of stock in any other corporation. Not to purchase stock.

27. Every contract, agreement, or bargain by the company, or by any one or more of the Directors on behalf of the company, or by any agent or agents of the company, and every promissory note made or endorsed, and every bill of exchange drawn, accepted or endorsed, by such Director or Directors on behalf of the company, or by any such agent or agents, in general accordance with the powers to be devolved to and conferred on them 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 said 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-laws; 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 notes of a bank. Contracts, notes, bills, &c.
Seal not requisite.
Proviso.

28. Any service of process made at the office of the company in the City of Quebec, only, and in case the company should have no such office, then upon the President of the said company, shall be held and deemed to be good and sufficient service by all Courts of Justice in this Province. Service of process.

29. Any description of action may be prosecuted and maintained between the company and any shareholder thereof; and no shareholder, not being himself personally a party to such action, shall be incompetent as a witness therein. Actions and witnesses.

30. This Act shall be deemed a Public Act. Public Act.

SCHEDULE A.

(Referred to in the foregoing Act.)

For value received from _____ of _____ I (or we) do hereby assign and transfer to _____ of _____ shares (on each of which has been paid _____ dollars) in the capital stock of the "Tadousac Hotel and Sea Bathing Company," the office of which is at Quebec, subject to the rules and regulations of the said company, hereby obliging myself (or ourselves,) to fulfil the conditions imposed by the proviso contained in the fifth section of the Act of incorporation of the said company.

In testimony whereof, I (or we) have signed these presents, at the office of the said company, this _____ day of _____, one thousand eight hundred and _____

(Signature of the transferor, or of his Attorney.)

Witness :

I (or we) do hereby accept the foregoing assignment of _____ shares in the capital stock of the "Tadousac Hotel and Sea Bathing Company," assigned to me (or us) as above mentioned, this _____ day of _____, one thousand eight hundred and _____

(Signature of the transferee, or of his Attorney.)

Witness :

C A P . X C I V .

An Act to grant certain additional powers to the Canada West Farmers' Mutual and Stock Insurance Company.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the Canada West Farmers' Mutual and Stock Insurance Company have, by their petition, prayed that in order to promote the interests of the Company, additional powers may be conferred upon them, and it is expedient that the prayer of their petition be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Actions on policies to be brought within a certain time.

1. No action or suit, either at Law or in Equity, shall be brought against the said Company upon any policy or contract of insurance already granted or entered into, or that may hereafter be granted or entered into by the said Company, after the lapse of one year next after the happening of the loss or damage in respect of which such action or suit is brought, or in the

the event of such loss or damage having happened before the passing of this Act, then within one year next after the passing of this Act, saving in all cases the rights of parties under legal disability ; provided that in all future policies to be issued by the Company, this section shall be written or endorsed thereon Proviso.

2. Any suit cognizable in a Division Court, upon or for any premium or deposit note or notes, or any sum assessed or to be assessed thereon, or upon or for any note or notes given or to be given for cash premiums of insurance to the said Company, or to any of the officers or agents thereof, may be entered and tried and determined in the Court for the division wherein the head office of the said Company is situate. In what division courts suits may be tried.

3. In case any note given or to be given for a cash premium of insurance to the said Company, or to any agent or officer thereof ; or any sum that may hereafter be assessed upon a premium or deposit note given or to be given to the said Company, or to any agent or officer thereof, shall remain in arrear and unpaid for thirty days after the same shall be payable, the policy of insurance held by the persons in default, shall thereupon become absolutely null and void ; provided always, that in such case such person shall remain liable to the said Company for the amount so in arrear and unpaid ; and provided further that it shall be lawful for the Directors of the said Company in their discretion, upon payment of such sum, and on such terms and conditions as they shall think proper, to waive the said forfeiture of such policy, and thereupon the said policy and the premium or deposit notes shall again be in full force ; Provided that in all future policies to be issued by the Company, this section shall be written or endorsed thereon. Policy void for non-payment of premium during a certain time.
Proviso.
Proviso.
Proviso.

4. This Act shall be deemed a Public Act.

Public Act.

CAP. XCV.

An Act to amend the Act to incorporate the Montreal Homœopathic Association, and to change the name thereof to "The College of Homœopathic Physicians and Surgeons of Montreal."

[Assented to 18th September, 1865.]

WHEREAS Francis E. Grafton, John Wanless, M. D., and others, have petitioned for amendments to the Act incorporating the Montreal Homœopathic Association, and it is expedient to grant the prayer of their petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.
28 V. c. 59.

1. The last clause of section four of the said Act is hereby amended so as to read as follows : "The said College shall be known Amendment of fourth section.

known as the College of Homœopathic Physicians and Surgeons of Montreal.”

Section seven repealed and new section inserted.

Condition of examination for practice and of admission to practice.

2. Section seven of the said Act is hereby repealed, and the following substituted therefor: “Every person who desires to be examined by the said Board, touching his qualifications to practise physic, surgery and midwifery, or either of them, according to the doctrines and teachings of Homœopathy, shall give notice in writing to the Secretary of the Association, and must show that he is not less than twenty-one years of age, that he has followed medical studies for not less than four years, under the care of one or more duly qualified medical practitioners; that he has attended, at some university or incorporated school of medicine in Canada or the United Kingdom of Great Britain and Ireland, not less than two six months’ courses of anatomy, physiology, surgery, theory and practice of medicine, midwifery, chemistry, *materia medica*, and the therapeutics respectively, and not less than one six months’ course of clinical medicine and medical jurisprudence respectively, and shall have complied with the regulations of such University or incorporated school of medicine with regard to such courses, and shall have followed such other course or courses as may hereafter be considered by the said Board of Examiners requisite for the advancement of medical education; and all such persons shall, at a regularly appointed time and place, be examined on all of the aforesaid branches, by the aforesaid Board of Examiners.”

Public Act.

3. This Act shall be deemed a Public Act.

C A P. X C V I.

An Act to incorporate “The London Collegiate Institute.”

[Assented to 18th September, 1865.]

Preamble.

WHEREAS it has been represented to the Legislature of this Province that the Venerable Isaac Hellmuth, D. D., Archdeacon of Huron, is engaged in erecting and establishing a School in the City of London, under the title of “The London Collegiate Institute;” And whereas it would tend greatly to advance and extend the usefulness of the said school and promote the purposes for which it is being 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:

London Collegiate Institute to be a body corporate.

1. There shall be and there is hereby constituted and established in the City of London, Canada West, a body politic and corporate, under the name of “The London Collegiate Institute,” which corporation shall consist of the said the Venerable Isaac

Isaac Helmuth, the Reverend Arthur Sweetman, the Reverend Henry Halpin, Adam Crooks and Versacoil Cronyn, who shall be the trustees of the Corporation and shall have the control, management and government thereof, and shall also have power to make rules and regulations not contrary to law or the provisions of this Act for the government and management of the said Corporation and the affairs and property thereof, as well as relating to the said trustees in the execution of their duties, and all acts and doings of a majority of the said trustees shall be of the same force and effect as if all of them had joined in such acts or doings.

Trustees, their appointment and duty.

2. Such Corporation shall have power at all times hereafter to purchase, acquire, hold, possess and enjoy such lands and tenements as may be necessary for the actual use and occupation of the said Corporation, and the same to sell, alienate and dispose of, and others in their stead to purchase and acquire and hold for the use and purpose aforesaid; provided always that the annual value of the real estate held by it at any one time, shall not exceed the sum of five thousand dollars current money of this Province.

Powers conferred on Corporation.

Proviso: real estate limited.

3. In case of any vacancy or vacancies occurring in the number of the said trustees, by death, resignation or otherwise, such vacancy or vacancies shall and may be filled up in such manner as may be provided in the rules and regulations of the said Corporation.

Vacancies among Trustees.

4. The said Corporation shall at all times, when thereunto required by the Governor, or by either branch of the Legislature, make a full return of its property, real and personal, and of its receipts and expenditure, for such period, and with such details and other information as the Governor or either branch of the Legislature may require.

Returns to Government when required.

5. This Act shall be deemed a Public Act.

Public Act.

CAP. XCVII.

An Act to incorporate *L'Institut Canadien Français de la Cité d'Ottawa.*

[Assented to 18th September, 1865.]

WHEREAS Pierre Marié, J. B. Turgeon, A. T. W. Reaume, L. A. Grison, E. R. E. Riel, M. D., J. T. C. T. Beaubien, M. D., P. St. Jean, M. D., J. B. Cantin, J. G. Turgeon, Horace Lapierre, N. Germain, Eugène Martineau, L. J. B. Lazure, Chas. E. Turgeon, F. X. Lapierre, of the city of Ottawa, and others, have represented that they have formed, in the city of Ottawa, a Literary and Scientific Association under the name of *L'Institut Canadien Français de la Cité d'Ottawa,*

Preamble.

d'Ottawa, for the purpose of establishing a Library and Reading Room, and of organizing a system of mutual and public instruction, by means of lectures and courses of instruction, and have petitioned for an Act to incorporate the said association, 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:

Certain persons incorporated.

1. Pierre Marié, J. B. Turgeon, A. T. W. Reaume, L. A. Grison, E. R. E. Riel, M. D., J. T. C. T. Beaubien, M. D., P. St. Jean, M. D., J. B. Cantin, J. G. Turgeon, Horace Lapierre, N. Germain, Eugène Martineau, L. J. B. Lazure, Chas. E. Turgeon, F. X. Lapierre, together with such other persons as now are members of the said association, or may hereafter become members thereof, in 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 *L'Institut Canadien Français de la Cité d'Ottawa*, for the purposes above mentioned.

Corporate name.

Quorum for transaction of business.

2. A quorum composed of ten of the active members of the said association, and chosen at its semi-annual meetings which are held in April and October in each and every year, shall have full power and authority to transact the business of the association.

Committee for that purpose.

3. Such quorum shall have power to form a committee composed of not more than seven and not less than three of its members to transact such business as the said association may require.

To make rules and regulations

4. The said quorum shall have power to make and frame such rules and regulations in addition to those already existing in the original constitution of the said *L'Institut Canadien Français de la Cité d'Ottawa* and registered in the Registry Office of the County of Carleton, number nine thousand six hundred and six, as may be necessary for the better management and government of its affairs—said rules and regulations to be first submitted to the members of the association, and approved by them, at one of its regular meetings.

To be submitted to members.

Recital.

5. And whereas real property purchased by Mr. Pierre Marié of the city of Ottawa, and vested in his own name, virtually belongs to the said *L'Institut Canadien Français de la Cité d'Ottawa*, and is at present unavailable to and for the use of the said association: therefore it is enacted that so soon as this Act shall come into force, the said Pierre Marié shall and will assign and set over to the said *L'Institut Canadien Français de la Cité d'Ottawa*, all the property which he has purchased for the said association.

Property in question to be transferred.

But all costs, &c., must first be paid.

6. The said association shall be responsible for all costs, charges and liabilities which the said Pierre Marié shall have incurred.

incurred on account of the said property ; but nothing herein contained shall make it obligatory on the part of the said Pierre Marié to make any assignment to the said association, until such costs, charges and liabilities so incurred shall have been discharged.

7. The said association shall be at liberty to dispose of the said lands, in whole or in part, so soon as they shall have come into possession of the same, and to lease or deed the same as the case may be, such leases or deeds to be signed by the President, Treasurer and Secretary of the said association, and to have the seal of the said association thereunto attached.

Corporation may sell or lease the land.

8. The revenue or money accruing from the deeding or leasing of the said lands shall be used firstly, in liquidating the debts of the said *L'Institut Canadien Français de la cité d'Ottawa.*

Application of proceeds.

Secondly.—In repairing or replenishing the library of the said Association.

Thirdly.—In building on their newly acquired lot, opposite the Roman Catholic Cathedral of the city of Ottawa; and fourthly for the maintenance of the said Association.

9. The said association are hereby empowered to take a conveyance in their corporate name of the property opposite the Roman Catholic Cathedral in the city of Ottawa aforesaid, recently acquired by them, and for their own accommodation to erect the necessary buildings thereon; and the said association may, from time to time, acquire, hold and possess such other real estate as they may deem necessary, and may alienate and dispose of the same from time to time, so that the whole real property held by them shall at no time exceed in annual value the sum of five thousand dollars.

Corporation may acquire and erect buildings on certain property.

Other property limited.

10. The original constitution of the said *L'Institut Canadien Français de la cité d'Ottawa* shall not be altered except by a vote of two-thirds of the members thereof.

Original constitution not altered.

11. The said *L'Institut Canadien Français de la cité d'Ottawa* shall have a right to sue in any of the Courts of Justice in Upper Canada, to recover any debts due to the said association by any of its members or any other person or persons whomsoever.

Right to sue, &c.

12. It shall be the duty of the said association to lay before the Auditor-General, when required, a detailed statement of real property held by virtue of this Act, and of the revenue arising therefrom, and of their receipts and expenditure.

Returns to Auditor General.

13. This Act shall be deemed a Public Act.

Public Act

C A P . X C V I I I .

An Act to incorporate the Rideau Club of the City of Ottawa.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the persons hereinafter named, with a large number of others in Quebec and elsewhere in the Province of Canada, have associated themselves for the establishment of a Club for social purposes, and whereas certain of the said hereinafter named persons have prayed to be incorporated by the name of the "Rideau Club," of the City of Ottawa, 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:

Certain persons incorporated under the name of the Rideau Club.

1. The Honorable John A. Macdonald, the Honorable George Etienne Cartier, the Honorable George Brown, D. Ford Jones, Esquire, W. Shanly, Esquire, the Honorable John Carling, the Honorable L. H. Holton, the Honorable J. S. Macdonald, D. A. Macdonald, Esquire, the Honorable A. T. Galt, the Honorable Hector L. Langevin, Alex. Morris, Esquire, the Honorable W. P. Howland, the Honorable L. Wallbridge, the Honorable James Cockburn, the Honorable J. C. Chapais, R. J. Cartwright, Esquire, T. C. Wallbridge, Esquire, the Honorable C. Alleyn, M. C. Cameron, Esquire, Robert McIntyre, Esquire, John Poupore, Esquire, W. McGiverin, Esquire, R. S. Atcheson, Esquire, the Honorable D. L. Macpherson, the Honorable John Ross, the Honorable D. C. Price, C. J. Brydges, Esquire, Thomas Reynolds, Esquire, Emilium Irving, Esquire, Thos. Swinyard, Esquire, the Honorable Alex. Campbell, the Honorable J. J. C. Abbott, the Honorable Thos. B'Arcy McGée, Wm. F. Powell, Esquire, Alonzo Wright, Esquire, J. M. Currier, Esquire, the Honorable T. Ryan, the Honorable Sir N. F. Belleau, the Honorable James Skead, the Honorable J. J. Ferguson Blair, the Honorable John Hamilton, (Inkerman,) Thos. McGreevy, Esquire, H. Bernard, Esquire, J. Ashworth, Esquire, Allan Gilmour, Esquire, J. G. Vansittart, Esquire, the Honorable G. W. Allan, Ralph Jones, Esquire, the Honorable M. Laframboise, Geo. Irvine, Esquire, W. McNaughton, Esquire, William White, Esquire, Robert Bell, Esquire, John Bell, Esquire, F. Cumberland, Esquire, the Honorable J. Hillyard Cameron, the Honorable James Shaw, the Honorable A. B. Foster, C. S. Gzowski, H. J. Noel, and William Petrie, Esquires, the Honorable John Rose, 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 "Rideau Club," and shall by the same name, from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take, and receive

Corporate Powers.

receive, to them, and their successors, to and for the actual occupation of the said Corporation; any lands, tenements and hereditaments, and real and immovable property and estate, situate, lying and being within the City of Ottawa, and the same to sell, alienate and dispose of, whensoever the said Corporation may deem it proper so to do; 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.

Real estate.

Constitution, rules and regulations.

Proviso: for amendments.

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.

Property of existing association transferred.

3. No member of the Corporation shall be liable for any of the debts thereof, beyond a sum which shall be equal to the amount of the original entrance, fee, and the annual subscriptions which may remain unpaid by such member; and any member of the Club not being in arrear may retire therefrom, and shall cease to be such member, on giving notice to that effect in such form as may be required by the by-laws thereof, and thereafter shall be wholly free from liability for any debt or engagement of the club.

Liability of members of the Corporation limited.

4. It shall be lawful for the said corporation to issue stock to such extent as they may deem necessary, not exceeding in the aggregate the sum of forty thousand dollars, in shares of one hundred dollars each; such stock to be subscribed for in a book to be opened for that purpose by the committee of the said club, and to be paid up in such manner; and within such delay, as may be determined by the said committee.

Stock may be issued to a limited amount.

5. The funds arising from such stock shall be applied exclusively to the erection of a Club House and dependencies, and to furnishing the same.

Application of proceeds of stock.

6. The shares of such stock shall be assignable by delivery and surrender of the certificates to be issued to the holders of such shares respectively, and by assignment on the books of the corporation.

How stock may be assigned.

7. Each holder of such stock, duly paid up, shall be a proprietor of an undivided share of the real estate of the corporation, and of the buildings thereon to be erected, and shall be exempt from all liability beyond the extent of the stock he shall actually

Liability of stockholders limited.

actually hold; Provided always, that no sale or transfer of any such share or of any interest in such real estate, by or under the authority of any execution out of a court of competent jurisdiction or otherwise, shall be held to be valid unless and until after due notice and demand; the said corporation shall refuse to purchase such share or interest at the then market value thereof, but in no case exceeding its par value.

Corporation
may pay off
stock.

8. It shall be competent to the said corporation to pay off so much of the said stock, from time to time, as the committee may deem desirable; the share or shares so to be paid off to be selected by the said committee by ballot.

Extinction of
stock on pay-
ment.

9. Such payment may be made by depositing in any of the chartered banks in this Province, to the credit of the holder or holders of such share or shares, the amount of such share or shares, and of all dividends unpaid thereon, and thereupon such share or shares shall, *ipso facto*, cease to exist.

Public Act.

10. This Act shall be deemed a Public Act.

C A P. X C I X.

An Act to authorize the Mortgaging of certain Property belonging to Christ Church, in the City of Ottawa, acquired for the erection thereon of a Parsonage House.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the Minister and Church-wardens of the Church of the United Church of England and Ireland, commonly known as Christ Church, in the city of Ottawa, have, in pursuance of a Resolution passed at a meeting of the Vestry of the said Church in that behalf, petitioned for an Act to empower the authorities of the said Church to mortgage the Parsonage land, consisting of town lots numbers twenty-two, on the south side of Sparks street, and twenty-two on the north side of Queen street, in the city of Ottawa, the said lots numbering westward, and the buildings thereon erected, for the purpose of raising a sum not exceeding three thousand dollars, to be applied towards paying off the debt incurred in and about the erection of the Parsonage building thereon, and in completing the said building; 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:

Minister, &c.,
of Christ
Church, Otta-
wa, may
mortgage the
Parsonage lot.

1. The Minister and Church-wardens of the Church of the United Church of England and Ireland, commonly known as Christ Church, in the city of Ottawa, may contract with any person or persons, party or parties, corporation or corporations,
for

for a conveyance or conveyances, by way of mortgage, of the Parsonage lot aforesaid, together with all buildings thereon, as security for the payment of money borrowed, or to be borrowed by them, but the amount which they are authorized to raise as aforesaid, shall not exceed the sum of three thousand dollars.

2. The moneys raised by such mortgage shall be applied towards the payment of the debts incurred in and about the erection of the Parsonage building on the said land, and in and towards the completion of the said building; but no person paying any money to such Minister and Churchwardens in pursuance of this Act, and obtaining their receipt therefor, shall be required to see to the proper application of the money.

Application of monies so raised.

Proviso.

3. This Act shall be deemed a Public Act.

Public Act.

C A P . C .

An Act to enable the Trustees of the Congregation of St. Andrew's Church in the Township of Ramsay, in connection with the Church of Scotland, to dispose of the glebe thereto belonging, and for other purposes.

[Assented to 18th September, 1865.]

WHEREAS the Trustees of the Congregation of St. Andrew's Church of the Township of Ramsay, in connection with the Church of Scotland, have, by their petition, represented that they are desirous of selling and disposing of the north-east quarter of lot number fifteen in the seventh concession of the Township of Ramsay, in the County of Lanark, which forms the glebe of the said church, and of applying the proceeds thereof to the acquisition of a site and the erection of a Manse in or near the Village of Almonte, to be held by the said trustees, for the use and benefit of the Minister of the said congregation; and whereas 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 present Trustees of the Congregation of St. Andrew's Church of the Township of Ramsay, in connection with the Church of Scotland, or their successors duly elected as such, or a majority of them or either of them, shall have power to sell, alienate, dispose of and, by a good and sufficient title or titles under their hands and seals, to convey the north-east quarter of lot number fifteen in the seventh Concession of the Township of Ramsay, in the County of Lanark, and that in one lot or in more lots or portions, to any person or persons willing

Trustees of St. Andrew's Church in Ramsay empowered to sell certain property of the Church.

Proviso:
Liability of
Trustees, &c.

willing to purchase the same, and to apply the proceeds of such sale or sales to the acquisition of a site and the erection of a Manse in or near the Village of Almonte, to be held by the said Trustees for the use and benefit of the Minister of the said Congregation; Provided always, that the said Trustees who join in the sale and conveyance of the said lot of land or of any portion or portions thereof, shall be personally liable to see to the application of the moneys arising therefrom to the purposes contemplated by this Act, but the purchasers shall not.

Public Act.

2. This Act shall be deemed a Public Act.

C A P . C I .

An Act to enable the Incumbent of Trinity Church, in the Town of Simcoe, to sell and convey a certain parcel of land therein mentioned.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the incumbent and church-wardens of Trinity Church, in the Town of Simcoe, in the County of Norfolk, have, by their petition, represented that a parcel of land, composed of the north-easterly part of lot Number Two, in the Fifth Concession of the Township of Woodhouse, was, on the twelfth day of August, one thousand eight hundred and fifty-three, conveyed to the incumbent of the said Trinity Church, in trust, that the rents and proceeds arising out of the said parcel of land should be applied towards the support and maintenance of a minister doing duty in the said Trinity Church in accordance with the doctrines and discipline of the United Church of England and Ireland, and have further represented that the said parcel of land has been found in a great measure unproductive, and that it is deemed advisable and in the interest of the incumbent and congregation of the said Trinity Church, that the said parcel of land should be sold, and the proceeds applied towards the purchase of a parsonage-house, or the purchase of a site and the erection of a parsonage-house in connection with the said Trinity Church, in the Town of Simcoe, and have prayed for the passage of an Act of the Legislature giving them the necessary authority in that behalf, 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:

Power to sell a
certain tract of
land in the
township of
Woodhouse.

1. The incumbent of Trinity Church, in the Town of Simcoe, shall be and is hereby authorized to sell, in one or more parcels, and for the best prices that can be reasonably obtained therefor, and to convey to the purchaser or purchasers thereof, in fee simple, all and singular that certain parcel or tract of land composed of the north-easterly part of lot Number Two,

in

in the Fifth Concession of the Township of Woodhouse, described in a conveyance from George Potts, and his wife, to the Reverend Francis Evans, the then incumbent of the said Trinity Church, and recorded in the Norfolk Registry office in Memorial number eight thousand and twenty-seven.

2. The proceeds arising from such sale or sales shall be invested in the purchase of a parsonage-house with the necessary grounds, or the purchase of a site and the erection of a parsonage-house in connection with the said Trinity Church, in the said Town of Simcoe.

Proceeds to be invested in the purchase of a parsonage house, &c.

3. The conveyance of the said parsonage-house and grounds shall be made to, and the fee shall be vested in, the incumbent and church-wardens and their respective successors forever, in trust, that the same shall be held for the benefit of the congregation in connection with the United Church of England and Ireland worshipping in the said Trinity Church, in the said Town of Simcoe.

Property to be vested in the incumbent and church-wardens.

4. The purchaser shall not be bound to see to the application of the purchase money, but a release and discharge under the hand of the aforesaid incumbent of Trinity Church shall liberate him from all responsibility in respect of the application thereof.

Purchaser not bound to see to application, &c.

5. This Act shall be deemed a Public Act.

Public Act.

C A P. C I I.

An Act to amend the Act to incorporate the Mutual Assurance Associations of the Fabriques of the Dioceses of Quebec, and of Three Rivers, and of Montreal and Saint Hyacinthe.

[Assented to 18th September, 1865.]

WHEREAS the Mutual Assurance Association of the Fabriques of the Dioceses of Quebec and Three Rivers, has, by petition, prayed for certain amendments to the Act passed in the sixteenth year of Her Majesty's Reign, intituled: *An Act to incorporate the Mutual Assurance Associations of the Fabriques of the Dioceses of Quebec, and of Three Rivers, and of Montreal and Saint Hyacinthe*, 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.

16 V. c. 149.

1. The said Mutual Assurance Association of the Fabriques of the Dioceses of Quebec and Three Rivers may hold its office at Quebec or at any place within the limits of the said Dioceses; provided always, that public notice of any change of office

Place of holding office.

Notice of office

change to be given.

office shall be given by an advertisement published four times in the English and French languages in the *Canada Gazette*.

Act 18 V. c. 60 to apply.

2. The Act passed in the eighteenth year of Her Majesty's Reign, chapter sixty, intituled: *An Act to amend the Act to incorporate the Mutual Assurance Associations of the Fabriques of the Dioceses of Québec and Three Rivers, and of Montreal and Saint Hyacinthe*, shall apply as well to the Mutual Assurance Association of the Fabriques of the Dioceses of Québec and Three Rivers, as to that of the Fabriques of the Dioceses of Montreal and Saint Hyacinthe.

Public Act.

3. This Act shall be deemed a Public Act.

C A P. C I I I .

An Act to incorporate the *Curé* of the Parish of *Notre Dame de Québec*.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the Reverend Joseph Auclair, Priest, *Curé* of the Parish of *Notre Dame de Québec*, hath by his petition represented that by a Deed of Sale dated the eleventh day of December, one thousand eight hundred and sixty-two, and executed at the City of Québec, before Bolduc and another, Notaries, he did acquire from Jean Robitaille and Louise Boivin, his wife, of the said City, two certain lots of land mentioned and described in the said petition, situate in the Saint John suburb of the said City, that is to say: First, a lot of land on the north side of Saint John street, in the said suburb, containing thirty-three feet six inches in front on Saint John street aforesaid, and forty feet nine inches in rear, by sixty-four feet in depth, bounded in front, to the south, by Saint John street aforesaid, in rear, to the north, by the lot hereinafter described, on one side, towards the east, by Deligny street, and on the other side, towards the west by the property of Michel Denis;—and second, a lot of land situate in the same place, adjoining in rear the lot hereinbefore described, containing forty feet nine inches in front and forty-eight feet six inches in rear by a depth of sixty-eight feet; bounded in front, towards the south, by the lot hereinbefore described, and in rear, towards the north, by D'Aiguillon street, on one side, to the east, by Deligny street aforesaid, and on the other side, to the west, partly by the property of the said Michel Denis and partly by the property of one Moisan; on which lots the said Reverend Joseph Auclair has caused to be built, at his own expense, a School-house for an elementary school, in which the Roman Catholic children of Saint John Suburb aforesaid, have been receiving elementary instruction since the year one thousand eight hundred and sixty-three; that by another Deed dated the twenty-fifth of February, one thousand eight

Lots purchased by Curé in St. John's Suburbs

School house erected.

eight hundred and sixty-five, and executed in the said City of Québec, before Tessier and another, Notaries; the said Reverend Joseph Auclair, did acquire from William Culliton, of the said City, Innkeeper, a certain lot of land described as follows, in the said deed and in the said petition, that is to say:—a lot of land situate in the Upper Town of the said City, on the west side of Sainte Angèle street, containing forty feet in front by eighty feet in depth, bounded in front to the east by Sainte Angèle street aforesaid, in rear, at the end of the said depth, by the property of the representatives of one Dénéchaud, on one side, to the south, by the property of George Alford, representing Louis Tapin, and on the other side, to the north, by D'Aiguillon street, on which lot the said Reverend Joseph Auclair is at present causing a building to be erected, in which to place the Commercial School, which he has founded in the said City for the advantage of the Roman Catholic children of the said City; and whereas the said Reverend Joseph Auclair hath further represented that being desirous of providing for the continuance of the said schools so established in the interest of the Roman Catholic youth of the said City, he wishes to transmit the said lots, with the buildings erected and being erected thereon, and the furniture of the class-rooms of the said schools to the *Curés*, his successors in the cure of souls in the said parish, so that the said *Curés*, and each of them respectively, may manage, administer, govern, and have the absolute and exclusive control of the said lots, buildings, class-rooms, and furniture of the class-rooms already opened, or which may be opened in future; but that he cannot effect such transmission or assignment without an Act authorizing him so to do; and whereas the said Reverend Joseph Auclair, has in and by his said petition prayed that he and his successors respectively in the cure of souls in the said Parish may be incorporated for the above purposes; and whereas it is just that the said prayer should be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Further lot purchased.

School house to be erected.

Object of incorporation.

1. The said Reverend Joseph Auclair, and each of his successors, as *Curés* of the said Parish of *Notre Dame de Québec*, shall be and is hereby constituted and declared to be in fact and in name a body politic, incorporated for the aforesaid purposes only, under the name of "The Corporation of the *Curé* of the Parish of *Notre Dame de Québec*," and as such shall have and possess all the rights granted by law to corporations according to the provisions of the Interpretation Act, and may acquire, hold and possess all real or immovable estate being and situated in Lower Canada necessary for the actual use and occupation of the said Corporation, and may sell or otherwise alienate such immovable property, and with the proceeds of such sale or other alienation may acquire other immovable property, for the purposes of this Act only.

The *Curé* of the Parish of *Notre Dame de Québec* incorporated.

Certain property transferred to the said Corporation.

2. From and after the passing of this Act, the said lots of land hereinbefore described, the buildings erected and being erected thereon, and all the furniture of the said schools and class-rooms shall be, and the same are hereby transferred to the said Corporation, which shall have the possession, enjoyment, management, administration and control thereof for the purposes aforesaid, according to the provisions of this Act :

Rights of third parties saved.

2. But nothing contained in this Act shall prejudice any rights of third parties with respect to the said lots of land and other properties as aforesaid, existing before the passing of this Act ; and all such third parties shall have and retain against the said Corporation all and every the rights, privileges and actions they had and possessed in respect of the said properties before the passing of this Act.

Acting *Curé* to represent the Corporation.

3. In the case of a vacancy in the said living from any cause whatever, the said Corporation shall be represented, under its said name, by the Priest exercising the functions of *Curé* in the said Parish, until a *Curé* has been appointed to the said Parish by the Roman Catholic ecclesiastical authority of the *Archidiocèse* of Quebec.

Public Act.

4. This Act shall be deemed a Public Act, and the Interpretation Act shall apply thereto.

C A P. C I V .

An Act to authorize the *Curé* and *Marguilliers* of the *Œuvre* and *Fabrique* of the Parish of *Notre Dame de Québec*, to borrow a certain sum of money on the security of the property of the said *Fabrique*.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the *Curé* and *Marguilliers* of the *Œuvre* and *Fabrique* of the Parish of *Notre Dame de Québec*, have, by their petition to Parliament represented that the said *Fabrique* is now indebted to a considerable number of persons, residing in various parts of the Province, in sums amounting together to twenty-five thousand pounds currency ; that the payment of interest on the said sums to so many persons, at different times and places, as it falls due, is very inconvenient, and that the said *Fabrique* is moreover obliged to borrow money in order to pay off such of its creditors as require the payment of the capital sums due to them ; that the petitioners could obtain the above-mentioned sum from one person, with easy terms of payment, and that it would be very much for the interest of the said *Fabrique* that advantage should be taken of the opportunity to substitute one creditor for the many it has at present ; but that the person who offers to lend the said sum

of

of money requires that the Petitioners should be authorized to borrow it and to hypothecate the property of the *Fabrique* to the lender; and whereas the said Petitioners have prayed to be authorized to borrow the said sum and to hypothecate the property of the *Fabrique* to the lender, as well as to do all other acts that may be necessary to secure the payment of principal and interest to the said lender; and whereas it is just 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:

1. The said *Curé* and *Marguilliers* of the *Œuvre* and *Fabrique* of the Parish of *Notre Dame de Québec*, are hereby authorized to borrow the said sum of twenty-five thousand pounds currency, and to hypothecate the property of the *Fabrique* in favor of the lender of the said sum, as well as to do all such acts as may be necessary in order perfectly to secure to the lender the payment of the said sum, with interest at the time and on the conditions that may be agreed upon between the parties.

Petitioners authorized to borrow £25,000, and hypothecate property of the *Fabrique*.

2. The said *Fabrique* shall bind itself in and by the deed or deeds acknowledging the said loan to lay by ten per cent. of its income annually, in order to form a sinking fund towards the re-payment of the capital sum lent; and in case the said *Fabrique* should fail to create the said sinking fund, it shall be lawful for the lender of the said sum to exact the payment of the said sum of twenty-five thousand pounds, without waiting for the expiration of the term for which the loan may be made.

Sinking fund to be provided for in deed of loan.

3. This Act shall be deemed a Public Act, and the Interpretation Act shall apply to it.

Public Act.

C A P . C V .

An Act for the incorporation of Jeffery Hale's Sunday School of the City of Québec.

[Assented to 18th September, 1865.]

WHEREAS the late Jeffery Hale, Esquire, who hath recently departed this life, did, by his last Will and Testament, give and bequeath to Christian Wurtele, of Québec, a certain school-house to him belonging, situate in St. Joachim street, in the City of Québec, with the two adjacent buildings and the ground on which they are built, as also the sum of one thousand pounds currency, upon the trust that the same shall be used for Sabbath School purposes; and whereas he desired to secure the permanency of the said object, and in and by his said Will suggested that the said Christian Wurtele, the Reverend David Marsh, William White, and Doctor John Racey, should

Preamble.

should obtain an Act of Incorporation for the purposes aforesaid; and whereas the said Christian Wurtele, the Reverend David Marsh, William White, and Doctor John Racey have, by their petition, prayed to be incorporated for the above purpose, 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:

Certain persons incorporated.

1. The said Christian Wurtele, the Reverend David Marsh, William White, and Doctor John Racey, and such other persons as they may associate with them under the provisions of this Act, shall be, and are hereby declared to be, a body politic and corporate, under the name of Jeffery Hale's Sunday School of the City of Quebec; and the said body corporate shall be able and capable in law to sue and be sued, implead and be impleaded, and shall have the other 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 government of the said Sunday School as shall be required or seem beneficial, and to alter and repeal the same and make others in their stead; Provided always, that the same be not contrary to the laws of this Province, nor to this Act; and shall also have power to hold property movable or immovable for the benefit of the said School; Provided always, that the said body corporate shall not hold real property other than what may be required for the actual use and occupation of the Corporation for the purposes mentioned in this Act.

Corporate powers.

Proviso.

Proviso.

Who shall be life members of the Corporation.

2. The said Christian Wurtele, the Reverend David Marsh, William White, and Doctor John Racey shall be life members of the said Corporation; and they, by a unanimous vote, may, at a meeting duly convened, nominate and appoint additional life members, and the said life members, or the survivors of them, by a unanimous vote may appoint other life members, and shall annually appoint their President; Provided however, that the said Christian Wurtele shall, during his natural life, be the President of the said Corporation, and in all cases of an equal division of opinion have a casting or second vote; and a like power is hereby given to his successor; and provided always, that at no time shall the number of life members exceed six, nor shall any person be appointed to be a life member unless he professes the Protestant faith.

Proviso.

Proviso.

Corporation to make returns to the Legislature, &c., when required.

3. The Corporation shall, at all times, when thereunto required by either Branch of the Legislature or by the Auditor General, make a full return of its property, real and personal, and of its receipts and expenditure, for such period, and with such details and other information as may be required.

Public Act.

4. This Act shall be deemed a Public Act.

C A P. C V I .

An Act for the incorporation of Jeffery Hale's Hospital of the City of Quebec.

[Assented to 18th September, 1865.]

WHEREAS the late Jeffery Hale, Esquire, who hath recently departed this life, did by his last Will and Testament bequeath to Christian Wurtele, of Quebec, real and personal property amounting in value to nine thousand pounds or thereabouts, in trust and upon the condition that he should, and would realize and dispose of the same to the best advantage, and apply the proceeds thereof to the establishment at Quebec, of a Protestant Hospital, for the relief and cure of sick and infirm persons professing the Protestant religion, without regard to sect or denomination, the same to be for ever under Protestant control and direction; and whereas, in his said Will, he suggested that an Act of incorporation should be obtained by the said Christian Wurtele, the Reverend David Marsh and Doctor John Racey, in order to secure the permanency of the said Hospital; and whereas the said Christian Wurtele, the Reverend David Marsh and Doctor John Racey, have by their petition prayed to be incorporated for the above purpose; and whereas it is desirable to grant to the said petitioners such an Act of incorporation: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The said Christian Wurtele, the Reverend David Marsh and Doctor John Racey, and such other persons as may, under the provisions of this Act, become Governors of the said Hospital, shall be and are hereby declared to be a body politic and corporate under the name of Jeffery Hale's Hospital of the City of Quebec; and the said body corporate shall be able and capable in law to sue and be sued, implead and be impleaded, and shall have the other 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 government of the said Hospital and of the officers of the said body corporate, as shall be required or seem beneficial, and to alter and repeal the same and make others in their stead; provided always, that the same be not contrary to the laws of this Province nor to this Act; and shall also have power to hold for the purposes of this Act the movable and immovable property so bequeathed by the said Jeffery Hale, and any real or immovable property and estate requisite and necessary for the actual use and occupation of the said Corporation; and the said corporation may also acquire any other real estate or any interest therein by gift, devise or bequest; and the Corporation may hold such estate as may not be necessary for its actual use and occupation for a period of not more than three years; and

Certain persons incorporated with certain powers.

By-laws.

Proviso.

Real property and limitations respecting it.

and any estate so acquired; if not necessary for actual use and occupation as aforesaid, and if not alienated or disposed of within the said three years, shall revert to the party from whom the same was acquired, his heirs or other representatives; and the said Corporation are empowered to hold movable property, and to sell and assign the same, and any real or immovable property that it may be or become possessed of; provided always that all the property of the said Corporation, real or personal, shall be applied solely to the purposes aforesaid, and to no other use or purpose whatever.

Personal property.

Proviso.

Who shall be life members of the Corporation.

2. The said Christian Wurtele, the Reverend David Marsh and Doctor John Racey, shall be the Governors of the said Hospital for life, and they may, by a unanimous vote, at a meeting duly convened, nominate and appoint additional governors for life of the said Hospital, and such governors shall have the same power and authority as the persons before named; and the said governors, or the survivors of them, by a unanimous vote, shall, from time to time, appoint other governors, and shall annually appoint their president; provided, however, that the said Christian Wurtele shall, during his natural life, be the president of the said Corporation, and, in all cases of an equal division of opinion, have a casting or second vote; and a like power is given to his successor; and provided always, that at no time shall the number of governors exceed six, nor shall any person be appointed governor, or hold the office, unless he professes the Protestant faith.

Proviso.

Proviso.

Corporation to make returns to the Legislature &c., when required.

3. The Corporation shall, at all times, when thereunto required by either branch of the Legislature, or by the Auditor General, make a full return of its property, real and personal, and of its receipts and expenditure, for such period, and with such details and other information as may be required.

Public Act.

4. This Act shall be deemed a Public Act.

CAP. CVII.

An Act to incorporate "The St. Catherines General and Marine Hospital."

[Assented to 18th September, 1865.]

Preamble.

WHEREAS an Hospital has been established in the Town of St. Catherines, in the County of Lincoln, for the assistance, benefit and relief of persons sick or injured by accidents, and the undermentioned persons, the present trustees of the said institution, have petitioned that corporate powers may be conferred upon them; and whereas it is expedient to grant the said petition: Therefore, Her Majesty, by and with

with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Messieurs Theophilus Mack, M.D., James Rea Benson, James George Currie, James Norris, Bernard King and Thos. Burns, and all others who shall under the provisions of this Act become members of the said institution, or who are now such, shall be and are hereby declared to be a body politic and corporate in deed and in name by the name of "The St. Catherines General and Marine Hospital."

Certain persons incorporated.

Corporate name.

2. The said Corporation may purchase, acquire and hold, sell, lease or otherwise alienate any real estate within this Province which they may require for their actual use and occupation, so as the annual value of the real estate held by it at any one time does not exceed the sum of five thousand dollars; and the said corporation shall further have the right of appointing an attorney or attorneys for the management of its affairs, and to also appoint and remove at pleasure such Physicians, officers and servants as may be deemed desirable.

Corporate powers.

Appointing attorneys.

3. And the said corporation shall and may, from time to time, hold assemblies and meetings of the members of the said corporation, which shall be called together in such manner, and at such times and places, as shall be directed and appointed by the by-laws, rules and regulations of the same, to transact the business of the said Corporation, and shall and may, at any meeting, elect such persons to be members of the said corporation as they, or the major part of them present, shall see fit; Provided always that no act done in any such assembly or meeting of the said corporation shall be valid or effectual unless six members, at least, shall be present, and the major part of them consenting thereto.

Meetings of the Corporation.

Proviso.

Quorum at such meetings.

4. And the majority of those who shall be present at any of the meetings of the said corporation, to be held in the manner aforesaid, shall and may make and ordain any by-laws, rules and regulations (not being contrary to the laws of this Province or to this Act), as they shall deem useful or necessary for the election of a committee of management, or trustees, and generally for the conduct or government of the said institution, and the same from time to time abrogate, repeal, change or alter, as may be found expedient.

Power to make by-laws.

5. The estate, real and personal, of the said institution, when this Act goes into force, or then held in trust for it, shall become the property of the corporation hereby created; and the officers and the managing committee and trustees of the said institution shall be and continue to be the officers and managing committee of the said corporation until others shall be elected in their stead; and the by-laws, rules and regulations of the said institution shall be and continue to be by-laws, rules

Estate of institution transferred to Corporation:

By-laws and officers con-

tinued until
changed.

rules and regulations of the said corporation until altered or repealed.

Annual Report.

6. The said corporation shall render to both Houses of the Provincial Parliament and to the Auditor General annually, a return of the affairs of the Corporation, and of the real and personal property held by them, which return shall be presented within the first twenty days of each session of the said Parliament.

Public Act.

7. This Act shall be deemed a Public Act.

CAP. CVIII.

An Act to incorporate the Knowlton Cemetery Company.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS the persons hereinafter named, and others, by their petition have set forth, that for many years past certain of their number have, as trustees, been in possession of a piece of land in the Township of Brome under a supposed title, for use as a public Cemetery, and that many interments have taken place therein, and the same is in constant use, and is on public grounds, needed for a Cemetery, and have prayed to be incorporated as hereinafter is set forth, in order to the perpetual keeping up of the same as such Cemetery; and whereas 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:

Company in-
corporated.

1. Hiram Sewell Foster, Nathaniel Pettes, Austin Wheeler, Luke M. Knowlton, Israel England, James Ball, John Macfarlane, Timothy E. Chamberlain, and Norman Tibbet, of Brome aforesaid, Esquires, and all other persons who may, by virtue of this Act replace or join them for the above purpose, are hereby constituted a body corporate or politic, by the name of "The Knowlton Cemetery Company," and by that name may, by any legal title, acquire, and may hold for ever, for use as a public Cemetery, the said piece of land, and any other land adjacent thereto, not exceeding in the aggregate a total of five acres, and by contributions or otherwise, as by their by-laws shall be provided, may form a fund for the due maintenance and embellishment thereof; and from time to time may make by-laws for the admission and for the expulsion of members of the corporation, and for the formation, maintenance, management and application of such fund, and for defining and regulating all manner of rights of the corporation, and of the members thereof, and for imposing and enforcing any penalty or forfeiture, and generally for the government of all business connected with the corporation; and may, from time to time, amend or repeal such by-laws; and all such rights, penalties

Name.

Corporate
powers.

Real estate.

By-laws.

Penalties,

and

and forfeitures, shall be such and such only, and may be enforced in such mode, and in such mode only, as by such by-laws shall be defined and limited.

2. All the revenues of the corporation, from whatever source they may be derived, shall be devoted exclusively to the maintenance of the corporation, and the furtherance of the object aforesaid. Appropriation of revenue.

3. The corporation may administer their affairs by such and so many directors and other officers, and under such restrictions as touching their powers and duties, as, by by-law, they may from time to time ordain; and they may assign to any of such officers such remuneration as they may deem requisite. Directors and officers.

4. In any suit or legal proceedings by or against the corporation, no person shall be disqualified as a witness, by reason of his being or having been an officer or member thereof. Members may be witnesses, &c.

5. The corporation shall at all times, when thereunto required by either Branch of the Legislature, or by the Auditor General, make a full return of their property, and of their receipts and expenditure, for such period, and with such details and other information as may be required. Returns to Government.

6. This Act shall be deemed a Public Act. Public Act.

C A P . C I X .

An Act to incorporate "The Montreal Saint Bridget's Refuge.

[Assented to 18th September, 1865.]

WHEREAS certain persons, residing in the City of Montreal, have acquired a large lot of ground on which they have erected a commodious building for the purpose, among other charitable objects, of establishing therein a Night Refuge for the homeless poor of said city, without distinction of origin or religion; and whereas said persons and others, anxious to promote their charitable object, have, by their petition, represented that they would be materially aided, and their institution rendered more stable and effective, by the character of a legal corporation being accorded to them: 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 Patrick Dowd, the Reverend James Hogan, Albert Furniss, Charles Theodore Palsgrave, Michael Patrick Ryan, Bernard Devlin, and Neil Shannon, and all others who may, from time to time, succeed them as Director, Vice-Director, and Trustees, in the manner hereinafter mentioned, shall Corporation erected.

be, and they are hereby nominated and constituted a body politic and corporate, by the name and style of the "Director, Vice-Director and Trustees of the Montreal Saint Bridget's Refuge."

Director.

2. The Reverend Patrick Dowd, the present Director of St. Patrick's Church, in the said City of Montreal, shall be the first Director of the said Montreal Saint Bridget's Refuge; and at all times the Director or Senior Clergyman of said church, duly appointed, shall be the Director of said Corporation.

Vice-Director.

3. The Reverend James Hogan, the present Almoner of the Irish Catholic Poor, shall be the first Vice-Director of the said Montreal St. Bridget's Refuge; and at all times the Almoner of the Irish Catholic Poor, duly appointed, shall be the Vice-Director of the said Montreal St. Bridget's Refuge.

Trustees.

4. The Corporation shall at all times consist of five Members in addition to the Director and Vice-Director, and not more.

Who may be elected Trustees.

5. The members of the St. Patrick's Congregation in the City of Montreal, residing in the Parish of Montreal, and they only, shall be eligible to be elected Trustees of the said Montreal St. Bridget's Refuge; and any change of residence from the Parish of Montreal, absence from the said Parish for two years or upwards or from the Meetings of the Corporation during six months, or resignation, shall vacate the office of any Trustee, and he shall be replaced by another elected in conformity with the By-laws of the Corporation.

Corporate powers.

6. The said Corporation shall be able and capable to have, take, receive, purchase and acquire, hold, possess, enjoy and maintain, to and for the use of the said Corporation and the buildings necessary therefor, only, all lands and property, movable and immovable, which may hereafter be sold, ceded, exchanged, given, bequeathed, devised or granted to the said Corporation; and to sell, alienate, convey or lease the same if need be; and all property now held by said Trustees, or by any of them, or by any other party or parties for the use of the Charity hereby incorporated, shall, from and after the passing of this Act, be vested in the said Corporation; provided that the annual income to be derived from such immovable property shall not exceed the sum of eight thousand dollars.

Real estate.

Transfer of property held by Trustees.

Quorum.

7. No Act done by the said Corporation shall be valid and effectual, unless the Director or Vice-Director for the time being and three of such Trustees at the least shall be present, and the major part of them consent thereto.

Trustees to fill up vacancies among themselves.

8. All vacancies which may occur in the office of Trustees when and as often as the same shall happen, whether by absence from the Parish of Montreal during two years or upwards, change

change of residence from said place, absence from the Meetings of the Corporation during six months consecutively, death or resignation, shall be filled up in such manner as shall be provided by the By-laws of the said Corporation.

9. The Corporation shall have power to frame and establish such By-laws, Orders and Regulations (not being contrary to the Laws of this Province or to this Act) as they shall deem useful or necessary for the temporal administration of the Institution, to which solely this power shall apply; and from time to time to alter or amend the same. By-laws.

10. The said Corporation shall make Annual Returns to the Auditor General of this Province, showing the amount of their Receipts and Expenditure during the next preceding year, and of the Real and Personal Estate held and enjoyed by said Corporation. Annual returns

11. This Act shall be deemed a Public Act.

Public Act.

C A P . C X .

An Act to incorporate the Society called *La Caisse de Bienfaisance de Tempérance, section St. Jacques*, of the City of Montreal.

[Assented to 18th September, 1865.]

WHEREAS an association under the name of *La Caisse de Bienfaisance de Tempérance, section St. Jacques*, 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: Preamble.

1. Léon Hurteau, J. B. Delonchamps, Zotique Laberge, Frs. Lapointe, Adolphe Gibeau, J. Prud'homme, J. O. Pauzé, François Loranger, S. Beaumont, Alphonse Desjardins, Joseph Beaucaire and Felix Boismenu, together with such other persons as now are members of the said institution, or may hereafter become members thereof, in 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 *La Caisse de Bienfaisance de Tempérance, section St. Jacques, of the City 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, Certain persons incorporated.

Corporate name and powers.

Real estate.

successors, all lands, tenements and hereditaments, and all real or immovable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said corporation, not exceeding in annual value two thousand dollars, 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 the regulations and by-laws of the said association that 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 other business and matters appertaining to the said corporation, and 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.

By-laws.

General powers.

Application of rents, revenues, &c.

2. The rents, revenues and profits of 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.

Estate, &c., of existing association transferred to Corporation.

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 and other officers.

4. The members of the said 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 to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers

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.

5. The said corporation shall be bound to make annual reports to the Governor and to both branches of the Legislature, containing a general statement of the affairs of the corporation, which said report shall be presented within the first twenty days of every session of the Legislature. Annual report.

6. No sum of money granted by the said corporation under its constitution, or any of its by-laws, by way of aid or assistance to any of its members when sick, or to any widow or orphan child of a deceased member, shall be liable to seizure either before or after judgment; provided always, that nothing in this section contained shall in any manner affect the right of any creditor in respect of any sum of money due by the said corporation to any of its members by reason of any contract or undertaking between the said corporation and such member. Money granted as aid by Corporation not liable to seizure. Proviso.

7. This Act shall be deemed a Public Act. Public Act.

C A P. C X I.

An Act to incorporate the Society called *L'Union St. Henri des Tanneries des Rollands, of the Parish of Montreal.*

[Assented to 18th September, 1865.]

WHEREAS an Association under the name of *L'Union St. Henri des Tanneries des Rollands, of the Parish of Montreal*, has existed several years in the parish 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: Preamble.

1. Jean Baptiste Pontbriand, David Labonté, A. Eugène Trudel, Oliver Labonté, Joseph Falardeau, Charles Falardeau, the younger, Henri Bleck, Langlais Charles Falardeau, the elder, Joseph Allard, Louis Napoléon Réel, Louis Boucher, Octave Gauthier, Joseph Girard, the elder, Séraphin Boucher, Honoré Tourville, Joseph Beausoleil, Napoléon Dusseau, Joseph Pontbriand, Jean-Baptiste Sauriol, Moïse Leclair, Prudent Leduc, Felix Charon, François Vésina, Joseph Allard dit Longpre, together with such other persons as now are Certain persons incorporated.

Corporate name
and powers.

Amount of real
property
limited.

Majority to
make By-laws.

Further powers
of majority.

Appropriation
of revenues for
certain pur-
poses only.

Property of
association
transferred to
corporation.

are members of the said institution, or may hereafter become members thereof in 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 *L'Union St. Henri des Tanneries des Rollands, of the Parish 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 and immovable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said corporation, such lands, tenements and hereditaments, real and immovable estate, not to exceed the annual value of two thousand dollars, 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 other business 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.

2. Provided always, that the rents, revenues and profits arising out of every description of immovable 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.

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, such real property not to exceed in annual value, the amount above limited, 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

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.

4. The members of the said 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 to 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.

Corporation to
appoint officers.

Their powers.

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.

Annual report
to the Legisla-
ture.

6. No sum of money granted by the said Corporation under its constitution, or any of its by-laws, by way of aid or assistance to any of its members when sick, or to any widow or orphan child of a deceased member, shall be liable to seizure either before or after judgment; Provided always that nothing in this section contained shall in any manner affect the right of any creditor in respect to any sum of money due by the said Corporation to any of its members by reason of any contract or undertaking between the said Corporation and such member.

Money granted
as aid by Cor-
poration not
liable to
seizure.

Proviso.

7. This Act shall be deemed a Public Act.

Public Act.

C A P . C X I I .

An Act to incorporate *Les Sœurs de l'Assomption de la Sainte Vierge* of the Parish of St. Gregoire.

[Assented to 18th September, 1865.]

WHEREAS there has existed for many years, in the Parish of St. Gregoire, in the District of Three Rivers, in this Province, a religious community known by the name of *Sœurs de l'Assomption de la Sainte Vierge*, whose objects are the instruction of young girls and the practice of works of Christian charity; and whereas the said community hath, by the petition of its Superior and principal officers, hereinafter named, to the Legislature in its present session represented that the advantages resulting from the said community would be increased by

Preamble.

by its incorporation, and hath prayed to be incorporated according to the terms and conditions hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Corporation constituted.

1. Mesdames Hedwidge Buisson, Superior of the said community, Mathilde Leduc, Assistant, Julie Courtois, second Assistant, Delina Boucher, Mistress of Novices, Marie E. R. Millar, teacher, and such other persons as shall become members of the said community, and fill the aforesaid offices, and reside in the said parish of St. Grégoire, shall be and are hereby constituted a corporation by the name of *Les Sœurs de l'Assomption de la Sainte Vierge*.

Corporate name.

Power to make rules, orders and regulations.

2. Three members of the said Corporation, including the Superior, who shall always be the President *ex-officio*, shall form the quorum thereof, and shall have full power to make and establish such rules, orders and regulations (not being contrary to the laws of this Province or to this Act) as they may deem useful and necessary as well for the advantage of education and of works of Christian charity as for the government of the community, and also for the management and administration of all movable or immovable property belonging to the Corporation; and the said Corporation shall also have power in its corporate name to acquire and possess, for all the purposes of the said community, any landed or other property, movable and immovable, which may hereafter be sold, transferred, given in exchange, given, devised, or granted to the said Corporation, and, if need be, to sell, hypothecate, alienate, convey or lease the same; Provided always, that the annual revenue from the said immovable property shall at no time exceed the sum of five thousand dollars current money of this Province.

Power to take and hold real estate.

Proviso.

Revenue of property, &c., to be applied to education and other works of charity, and for necessary buildings.

3. All the property at any time held by the said Corporation, as well as the revenue arising therefrom, shall be employed and appropriated exclusively for the accomplishment of the works and purposes hereinbefore mentioned of the said community, and in accordance with the rules, and for the construction, repair, and hiring of the necessary buildings for the purposes of the Corporation, for the benefit as well of the principal establishment occupied by the said Religious Ladies at St. Grégoire, in the District of Three Rivers, as of the branch establishments which may hereafter be formed in other parishes in Lower Canada.

Annual report to government.

4. The said corporation shall, at all times, when required by the Governor or either branch of the Legislature, make a report shewing the amount of immovable and other property which it possesses under this Act, and the revenue arising therefrom, as well as the number of the members of the Corporation, and that of the teachers and pupils, and lastly, a statement of the course of study.

Public Act.

5. This Act shall be deemed a Public Act.

CAP. CXIII.

An Act to appoint Trustees to wind up the Estate of the late Alexander Macdonell, according to the terms of his last Will and Testament.

[Assented to 18th September, 1865.]

WHEREAS it has, by the Petition of Isabella Penelope Macdonell, relict of the late Alexander Macdonell, in his lifetime of the Village of Alexandria, in the County of Glengarry, merchant, been represented that the said Alexander Macdonell departed this life on the thirtieth day of April, in the year of Our Lord one thousand eight hundred and sixty-four, without issue, having first duly made and published his last Will and Testament, whereby he devised and bequeathed his real and personal estate and effects whatsoever and where-soever, unto Donald Alexander Macdonald, of Alexandria, in the County of Glengarry, Esquire, and James Macdonell, of Athol, in the township of Kenyon, in the said County of Glengarry, Esquire, their heirs, executors, administrators and assigns, upon trust, for ever, as soon as conveniently may be after his decease, to make sale and absolutely dispose thereof, and upon further trust to apply the proceeds thereof as directed in and by the said will, and that the said Donald Alexander Macdonald and James Macdonell have by Deed under their hands and seals renounced and refused to accept or to act in the trusts contained and expressed in the said last Will; and that in consequence of the refusal of the said Donald Alexander Macdonald and James Macdonell, to act in the matter of the trusts contained and set out in the said Will, the real estate devised by the said Alexander Macdonell cannot be sold, and the proceeds thereof disposed of and invested as required in and by the said Will; and that it is necessary that Trustees be appointed, to wind up the Estate of the said Alexander Macdonell, real and personal, and to dispose of and invest the moneys arising from the sale or sales thereof, according to the terms of the said Will, and the said Isabella Penelope Macdonell hath by her petition prayed to be appointed such Trustee, and it is expedient that the said Isabella Penelope Macdonell, his widow, and Donald Aeneas Macdonell, of the said City of Kingston, Esquire, be such Trustees: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. All and singular the lands, tenements and hereditaments, and goods and chattels, and estate and effects, real as was as personal, which were held by the said Alexander Macdonell at the time of his death, shall be and the same are hereby vested in the said Isabella Penelope Macdonell, of Kingston, in the County of Frontenac, widow of the said Alexander Macdonell, and the said Donald Aeneas Macdonell, of the said City of Kingston,

Preamble.
Will recited.

Renunciation
of Trustees
named in will
recited.

Petition of
widow recited.

Real and per-
sonal estate of
deceased veste
in Trustees.

Terms and conditions of the trust.

Proviso : accountability of Trustees.

Kingston, Esquire, and their successors to be appointed as hereinbefore mentioned in the like estate as the same were had and held by the said Alexander Macdonell, in his lifetime ; upon trust, nevertheless, to hold, sell, dispose of absolutely and convey the same, from time to time, and together or in parcels, and either by private sale or at public auction, as the said Isabella Penelope Macdonell, and Donald Æneas Macdonell, or the trustees for the time being may think fit, and to take the proceeds of such sale and sales, and to pay, expend, dispose of and invest the same, and the annual income thereof, to and for the uses, intents and purposes, and upon the trusts, expressed in the said Will of the said Alexander Macdonell ; Provided always, that the said Isabella Penelope Macdonell and Donald Æneas Macdonell, and all trustees under this Act shall, notwithstanding this Act, be held answerable and accountable in Her Majesty's Courts of Law and Equity in that part of the Province of Canada, heretofore called Upper Canada, for the management of the said Estate, real and personal, and for the due application of the moneys arising therefrom, in like manner as other trustees, agents or executors are or shall be held answerable or accountable.

Judge of County Court may appoint a Trustee in case of vacancy in the office by death, &c.

2. In case of the death of any or either of the said Trustees hereby appointed before the final execution of the powers and trusts above mentioned or of his or her becoming incapable of continuing to execute the said powers and trusts, it shall be lawful for the Judge of the County Court then being or having jurisdiction within the County of Glengarry, on the application of any person interested in the said estate or of the surviving Trustee, one or more of the children or creditors of the said late Alexander Macdonell, to nominate and appoint some fit and proper person to act in the place of each such trustee or trustees so dying or becoming incapable as aforesaid, as Trustee of the estate of the said late Alexander Macdonell under this Act with the survivor or survivors, and in like manner to appoint another in case of the death or incapacity as aforesaid of the person so appointed when and so often as occasion may require.

Trustees, and not purchaser from them, to be answerable to devisees and legatees under the will.

3. The said Isabella Penelope Macdonell and Donald Æneas Macdonell and their successors, and not the purchaser or purchasers from them or any of them under this Act, shall remain answerable to the devisees and legatees in the said Will mentioned for the moneys and proceeds of the said Estate, to be sold under and by virtue of this Act, according to the true intent and meaning of the said Will.

Public Act.

4. This Act shall be deemed a Public Act.

CAP. CXIV.

An Act for the Sale or other Disposition of the Lands belonging to the Estate of the late John Lorn McDougall.

[Assented to 18th September, 1865.]

WHEREAS John Lorn McDougall, in his lifetime of the Preamble.
Village of Renfrew, in the County of Renfrew, Esquire, departed this life intestate, leaving him surviving seven children, namely : John Lorn, Isabella, Jane, Alexander, Samuel, Julia and Duncan Campbell, his heirs and heiresses at law, who were infants under the age of twenty-one years ; and whereas the said late John Lorn McDougall was possessed of a considerable quantity of real estate situate within the Province of Canada ; and whereas John Lorn McDougall, the administrator of the estate of the deceased, Catherine McDougall, his widow, and Robert MacIntyre, of the City of Montreal, Esquire, have represented that the locking up of so large an amount of real estate is injurious to the country and detrimental to the interests of the family of the said late John Lorn McDougall, and have prayed for the passing of an Act empowering them to sell and dispose of such real estate, and to execute conveyances therefor, and to invest and otherwise apply the proceeds thereof, 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 said John Lorn McDougall, Catherine McDougall, and Robert MacIntyre, and the survivors and survivor of them shall be and are hereby authorized and empowered, from time to time, as in their, his or her judgment occasion may require, with the consent expressed by deed, of such of the said children as are now of age, to sell and dispose of the real estate of the said late John Lorn McDougall, either by public auction or by private contract, and to lease or demise the same, as to them may seem best and, with the consent, expressed by deed, of such of the said children as are now of age, to make good, valid and effectual deeds, conveyances, assurances, assignments and leases of the same, in the same manner that the said John Lorn McDougall might or could have done in his lifetime, and every such deed or conveyance shall vest all the estates, right, title and interest of the children of the said John Lorn McDougall in the purchaser or purchasers, lessee or lessees, his or their heirs, executors or administrators and assigns, according to the tenor of such conveyance and the estate thereby intended to be conveyed, and after deducting the necessary expenses of management and sale, to apply the proceeds to the payment of the debts and liabilities of the late John Lorn McDougall; and such portion of the balance of such proceeds as may be necessary to the Power to sell or otherwise dispose the property on certain conditions.
Application of proceeds.
the

the support and education of his children while under age and unmarried, and the residue to distribute according to the law and the provisions of this Act; and as each of the said minor children attains the age of twenty-one, no such sale or disposition made thereafter shall, without the consent of such child affect the share of such child; and the said John Lorn McDougall, Catherine McDougall, and Robert MacIntyre shall, as each child comes of age, account to such child for the sales and dispositions hereby authorized, and the application by each of them respectively of the proceeds thereof; but each of the said Trustees shall be accountable only for his or her own acts and doings in the premises, and not for those of the others of them; Provided always that any of the proceeds of the said estate applied to the support and education of the said minor children shall be a charge against the share of such minor children; and provided further that no lease made under this Act shall exceed the period at which the youngest child living at the time of the said lease being made, would attain the age of twenty-one years.

Proviso: as to sums advanced for support of minor children.

Power to execute conveyances of lands sold by deceased.

2. The said John Lorn McDougall, Catherine McDougall, and Robert MacIntyre, with the consent expressed by deed of such of the said children as are now or may be then of age, are hereby empowered to make and execute such conveyances of the real estate of the said late John Lorn McDougall as he had in his lifetime contracted and become bound to execute to the parties holding such bonds and agreements or to their heirs or assigns.

Investment of monies in the hands of the Trustees.

3. It shall be the duty of the said John Lorn McDougall, Catherine McDougall, and Robert MacIntyre, or the survivors or survivor of them and of any Trustee or Trustees appointed under this Act, as speedily as the debentures hereinafter mentioned can be procured, to invest and keep invested at all times in the Debentures of this Province, payable within the same, or of the Consolidated Municipal Loan Fund, any surplus or balances of moneys arising from such sales, for the benefit of the several parties respectively entitled thereto; and such Trustees or Trustee under this Act, shall also account once in every three years or oftener if so required, to the Surrogate Court having jurisdiction within the County of Renfrew, for their dealings with the said estate.

Judge of County Court to appoint in case of vacancy among Trustees.

4. In case of the death of any or either of the said Trustees hereby appointed, before the final execution of the powers and trusts above mentioned, or of his or her becoming incapable of continuing to execute the said powers and trusts, it shall be lawful for the Judge of the County Court, then being or having jurisdiction within the County of Renfrew, on the application of one or more of the children or creditors of the said late John Lorn McDougall, to nominate and appoint some fit and proper person to act in the place of each such Trustee or Trustees so dying or becoming incapable as aforesaid, as Trustee of the estate.

estate of the said late John Lorn McDougall under this Act, with the survivor or survivors, and in like manner to appoint another in case of the death or incapacity as aforesaid of the person so appointed, when and so as often as occasion may require.

5. No mortgagee, purchaser, alienee or lessee shall be required to see to the application of the purchase money, rents or other considerations in respect of any sale, mortgage, lease or other disposition made under this Act.

Purchasers not bound to see to application, &c.

6. This Act shall be deemed a Public Act.

Public Act.

C A P . C X V .

An Act for the Relief of the Representatives of the late Boyd Sylvester.

[Assented to 18th September, 1865.]

WHEREAS it has been represented by the Petition of Frances Sylvester, widow of Boyd Sylvester, late of the Township of Darlington, in the County of Durham, Yeoman, deceased, and of others, creditors and friends of the said late Boyd Sylvester, that he died intestate, on or about the twenty-third day of December, one thousand eight hundred and sixty, leaving seven children, all minors; that his property, consisting of a farm of one hundred acres, being the north half of lot Number Sixteen in the Seventh Concession of the Township of Darlington, with the dwelling-house, out-houses and other buildings thereon erected, is heavily incumbered with mortgages; and that it would be best for the interest of the estate and of the creditors thereof, that Trustees should be empowered to sell so much of the said farm as it may be necessary to sell in order to raise a sum sufficient for the discharge of the said mortgages, or to sell the whole of the said farm and invest the balance of the price thereof, remaining after the discharge of the said mortgages; and whereas the said Petitioners have prayed that the said Frances Sylvester, and Edward Shepherd, and William Hambly Rogers, hereinafter named, should be appointed Trustees of the estate of the said late Boyd Sylvester, with such powers as aforesaid; and whereas it is expedient 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. All the estate, right, title, interest, property, claim and demand whatsoever, both at law and in equity, of each of the heirs of the said late Boyd Sylvester in or to the lands following, that is to say:—The north half of lot Number Sixteen, in the Seventh Concession of the Township of Darlington, in the County

Certain property of Boyd Sylvester, vested in Trustees;

County of Durham, containing by admeasurement one hundred acres of land, be the same more or less, are hereby transferred to and vested in the said Frances Sylvester, his widow, and Edward Shepherd, of the Township of Vaughan, in the County of York, Yeoman, and William Hambly Rogers, of the Township of Darlington, in the County of Durham, Esquire, and the survivor or survivors of them, and their successors, to be appointed as hereinafter mentioned, as Trustees for the benefit of such heirs of the said late Boyd Sylvester, so long as he or she shall be a minor, under the age of twenty-one years, with power from time to time, as in their, his or her judgment occasion may require, with the consent and concurrence, expressed by Deed, of such of the said heirs as may then be of age, to sell, lease, or otherwise dispose of the same, or such parts or portions thereof as they, he or she may be advised, and with the consent and concurrence, expressed by Deed, of such of the said heirs as may then be of age, to make and execute such good, valid and effectual Deeds and Conveyances, Assurances and Leases of the same, as the said Boyd Sylvester could or might have made or executed in his lifetime, and to apply the proceeds, after deducting the expenses of management and sale, to the discharge of mortgages on the said lands and to the education and maintenance of the infant children of the said late Boyd Sylvester.

Power to sell,
lease, &c.

Application of
proceeds.

Judge of County
Court to
appoint in case
of vacancy
among the
Trustees.

2. In case of the death, removal from this Province, resignation, or incapacity, or unwillingness to act of either or all of the said trustees, before the complete fulfilment of the trust hereby created, it shall be lawful for the Judge of the County Court of the United Counties of Northumberland and Durham, on the written application of one or more of the children or creditors of the said late Boyd Sylvester, to nominate and appoint some fit and proper person to be Trustee or Trustees in the stead of the said Trustee or Trustees so dying or removing from this Province, becoming incapacitated, resigning, or being unwilling to act as aforesaid, and so from time to time to replace any such Trustee or Trustees so nominated and appointed as aforesaid; and such Trustee or Trustees so from time to time nominated and appointed as aforesaid, and the survivor or survivors of them, shall have the same power, to all intents and purposes, as if expressly named and appointed in and by this Act.

Provision in
case of separa-
tion of Nor-
thumberland
and Durham.

3. In case of a separation taking place between the said Counties of Northumberland and Durham, then any application to be made to, and nomination and appointment to be made by, a Judge under this Act, shall be made to and by the Judge of the County Court of the County of Durham, who shall have all the powers hereby given to and vested in the Judge of the County Court of the United Counties of Northumberland and Durham.

4. No sale of the said lands, or of any part or portion thereof, shall be made without the consent and approbation of the Judge of the County Court of the United Counties of Northumberland and Durham, or of the Judge of the County Court of the County of Durham, as the case may be, as aforesaid, previously given in writing.

Approval of
County Judge
necessary to
sales.

5. As each of the said children attains the age of twenty-one years, no such sale or disposition of the said lands or of any part or portion thereof, made thereafter, shall, without the consent of such child, affect the share of such child; and the said Trustees shall, as each child comes of age, account to such child for the sales and dispositions hereby authorized, then already made, and the application by each of them, the said Trustees respectively, of the proceeds thereof; but each of the said Trustees shall be accountable only for his or her own acts or doings in the premises, and not for those of any other or others of them.

And consent of
children as
they come of
age.

6. Such portion of the proceeds of the said lands as may be applied to the education and maintenance of the said minor children shall be charged against the said minor children.

Sums advanced
for minors.

7. No lease made under this Act shall exceed the period at which the youngest child living at the time of the said lease being made, would attain the age of twenty-one years.

Leases.

8. No purchaser, alienee, or lessee under this Act shall be required to see to the application of the purchase money, rents, or other considerations in respect of any sale, lease or other disposition made under this Act.

Purchaser not
bound to see to
application.

9. Any balance of the proceeds of any sale of the said lands, or of any part or portion thereof, that may remain to the Trustees, for the time being, under this Act, after the discharge of the incumbrances on the same, shall from time to time be invested in Government securities or in mortgage on real estate, under the sanction of the Judge of the County Court, as aforesaid, for the benefit of the said minor children.

Investment of
monies in
hands of
trustees.

10. Nothing herein contained shall prejudice or affect the rights of the creditors of the said late Boyd Sylvester.

Rights of cre-
ditors saved.

11. This Act shall be a Public Act.

Public Act.

CAP. CXVI.

An Act to limit the application of a certain general hypothec created by Daniel McCallum and his wife to a certain lot of land.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS Daniel McCallum, Esquire, Advocate, of the City of Quebec, and Ann Helen Williamson Brown, his wife, have, by their petition, represented that on the fourth day of February, one thousand eight hundred and thirty, by deed executed before Panet and another, Notaries, they bought from the late Honorable Joseph Remy Vallières de St. Réal, a certain property, situate in the Upper Town of Quebec; that subsequently, John Brown, Esquire, father of the said Mrs. McCallum, paid one thousand and sixteen pounds fifteen shillings currency, on account of the price of the said purchase, and that, on making the said payment, the said John Brown did, by a deed executed at Quebec, before Scott and another, Notaries, on the nineteenth day of July in the said year, acquire subrogation to the rights of the said vendor, and did declare that he gave the interest on the said sum to the said Daniel McCallum and his said wife, and to the survivor of them, and the right to the said sum itself to their children, the same to be equally divided among them, the said children, after the extinction of the said usufruct, and further that if one or more of the said children should die before their said father and mother, but leaving legitimate children, then that such children should have the share that the father or mother of such children would have had if he or she had survived his or her father and mother; and whereas the said Daniel McCallum and his said wife did accept the said donation, and it has been duly registered, whereby all the property which the said donees then had, or have since acquired, or may hereafter acquire, became hypothecated to the amount of the said sum of one thousand and sixteen pounds fifteen shillings currency;

And whereas the said Daniel McCallum and his said wife did, by deed executed at Quebec on the seventh day of April, in the year one thousand eight hundred and fifty-eight, before Huot and another, Notaries, sell to Marie Louise Adélaïde Pacaud, wife of Joseph G. Barthe, Esquire, Advocate, the following described property, that is to say, “a lot of land situate in D’Auteuil street, in the City of Quebec, containing thirty-seven feet in front by eighty-six feet in depth, English measure, bounded in front by D’Auteuil street aforesaid, in rear by the end of the said depth, on the south side by the said Daniel McCallum, and on the north side by Mrs. Aylwin;” and whereas the said property is bound, in common with all the properties which have belonged to the said Daniel McCallum and his said wife, by the said hypothec for one thousand

thousand and sixteen pounds fifteen shillings currency, in favor of their children and grandchildren as aforesaid, and the said Mrs. Barthe, not having it in her power to procure the said hypothec to be cancelled, finds difficulty in borrowing money on the security of the said property, so burthened with the said hypothec; and whereas, for remedy of this difficulty, all the children of the said Daniel McCallum and his said wife have, by a deed executed at Quebec, before Petitclerc and another, Notaries, on the twenty-fourth day of May last, discharged the said property of Mrs. Barthe, as well as all the properties of the said Daniel McCallum and his said wife, save and except the following, that is to say: "a lot of land, forming the corner of St. Charles and Des Bains streets, in the Lower Town of Quebec, containing one hundred and twenty-eight feet eight inches in front or thereabouts, on the said St. Charles street, by a depth of fifty-three feet six inches or thereabouts, on the said Des Bains street, and fifty-one feet eight inches on the line dividing the said property from that of the representatives of one Bell, the said lot of land being bounded in front by the said St. Charles street, towards the west by the said Des Bains street, towards the east by the property of the representatives of the late John Bell, and in rear towards the north by a strip of land serving as a passage in common with other properties of the said Daniel McCallum and of Alexander Ross;"

And whereas, upon petition to that effect, presented to one of the Honorable Judges of the Superior Court, sitting at Quebec, permission was given to the Curator appointed to the substitution created by the said deed of the nineteenth day of July one thousand eight hundred and thirty, to grant a similar discharge to that granted by the said children of the said Daniel McCallum and his said wife, and such discharge was granted, in conformity to the said judicial authorization, by deed executed at Quebec, on the twelfth day of June last, before Petitclerc and another, Notaries; and whereas the property specially hypothecated in and by the said deed of the twenty-fourth day of May last, as security in all the contingencies provided for by the said substitution, has been shewn to be worth more than double the said sum of one thousand and sixteen pounds fifteen shillings, currency; and whereas, it is just that the prayer of the said petition of the said Daniel McCallum and his said wife be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said property, hereinbefore described, sold by the said Daniel McCallum and the said Ann Helen Williamson Brown, his wife, to Marie Louise Adélaïde Pacaud, wife of Joseph G. Barthe, Esquire, Advocate, by deed executed at Quebec, on the seventh day of April, one thousand eight hundred and fifty-eight, before Huot and another, Notaries, is, A certain property mentioned in the preamble discharged from the hypothec therein also mentioned.

and shall for ever remain, discharged from the hypothec, and from all hypothecary rights created in favor of the grandchildren of them the said Daniel McCallum and his said wife, in and by the said deed of the nineteenth day of July, one thousand eight hundred and thirty, hereinbefore cited.

Certain other properties discharged from the said hypothec.

2. All the properties which the said Daniel McCallum had at the time of the execution of the said deed of the nineteenth day of July, one thousand eight hundred and thirty, as well as those which he has acquired since, and those which he may acquire hereafter, also are and shall remain discharged from the hypothec in favor of the grandchildren of him, the said Daniel McCallum and his said wife, in and by the said deed of the nineteenth day of July, one thousand eight hundred and thirty.

To what property alone the said hypothec shall attach.

3. The only immovable property upon which the said grandchildren of the said Daniel McCallum may exercise any right on account of the said hypothec, created in and by the said deed of the nineteenth day of July, one thousand eight hundred and thirty, and the substitution created in and by the said deed in their favor, is the following, that is to say :

The property described.

“ A lot of land, forming the corner of St. Charles and Des Bains streets, in the Lower Town of Quebec, containing one hundred and twenty-eight feet eight inches in front or thereabouts, on the said St. Charles street, by a depth of fifty-three feet six inches or thereabouts on the said Des Bains street, and fifty-one feet eight inches on the line dividing the said property from that of the representatives of one Bell, the said lot of land being bounded in front by the said St. Charles street, towards the west by the said Des Bains street, towards the east by the property of the representatives of the late John Bell, and in rear towards the north by a strip of land serving as a passage in common with other properties of the said Daniel McCallum and of Alexander Ross.”

Public Act.

4. This Act shall be deemed a Public Act.

C A P . C X V I I .

An Act to enable Donald Alexander Livingston to be admitted to practise Medicine, Surgery and Midwifery.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS Donald Alexander Livingston, of the parish of St. Jean Chrysostôme, in the county of Chateauguay, hath, by his petition, represented, that in the year one thousand eight hundred and thirty-three, he completed a four years' course of medical study at the University of Glasgow; that

that he subsequently practised as a Physician and Surgeon in the city of Glasgow, until the year one thousand eight hundred and forty-five, in which year he emigrated to Canada, and that ever since that period he has continued in extensive and successful practice as a physician and surgeon in the county of Chateauguay, and has prayed that an Act may be passed authorizing him to present himself for examination before the College of Physicians and Surgeons of Lower Canada, and enabling him upon passing such examination to be admitted to the practice of Medicine and Surgery in Lower Canada, without completing any further course of study; and whereas it is reasonable and just that such prayer be granted: 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 said Donald Alexander Livingston to present himself before the Board of Examiners of the college of Physicians and Surgeons of Lower Canada, without following any further course of study, and if the said Donald Alexander Livingston be found by the said examiners to be properly qualified, he shall be entitled to obtain a license to practise Medicine, Surgery and Midwifery, according to the by-laws and regulations of the said college.

D. A. Livingston may obtain a license on examination without any further course of study.

2. This Act shall be deemed a Public Act.

Public Act.

C A P. C X V I I I.

An Act to authorize the admission of Henry Hart Coyne to practise as an Attorney and Solicitor in the Courts of Law and Equity in Upper Canada.

[Assented to 18th September, 1865.]

WHEREAS Henry Hart Coyne, of the City of London, Esquire, hath, by his petition to the Legislature, represented that on the second day of August, one thousand eight hundred and sixty, he was duly articulated to William Proudfoot, a practising Attorney and Solicitor of Her Majesty's Superior Courts of Law and Equity for Upper Canada; that he served under the said articles and an assignment thereof to the Honorable John Wilson, until the twenty-fifth day of July, one thousand eight hundred and sixty-three, when the said the Honorable John Wilson was appointed a Judge of Her Majesty's Court of Common Pleas at Toronto; that from the said twenty-fifth day of July until the seventeenth day of August, one thousand eight hundred and sixty-five, he served as clerk in the office of Philip Mackenzie, a practising Attorney of Her Majesty's above-mentioned Courts; that by reason of a technical defect in part of his service under the said articles of clerkship he did not complete his term of service thereunder; that

Preamble.

in

in the month of February, one thousand eight hundred and sixty-five, he was duly called to the bar of Upper Canada, intending to be articled for one year to a practising Attorney of Her Majesty's said Courts; that on the twenty-second day of March, one thousand eight hundred and sixty-five, he entered into articles with the above named Philip Mackenzie to serve him for one year as clerk in the profession and practice of Law; that at the time of the execution of the said articles, he was not aware that an Act had been passed by the Legislature of this Province (which had been assented to only four days previously) requiring three years' service instead of one by persons called to the Bar; and hath prayed that he may be exempted from the effect of the first section of the said Act, and that notwithstanding the same, he may be admitted to practise as Attorney and Solicitor in Her Majesty's above-mentioned Courts, after having completed his service of one year under the last above-mentioned articles; and it is, under the circumstances, right and expedient to grant his prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

H. H. Coyne may be admitted as an Attorney on passing examination and proving one year's service under articles since his call to the Bar.

1. The repeal of the third subsection of the second section of chapter thirty-five of the Consolidated Statutes for Upper Canada shall not affect the said Henry Hart Coyne, and notwithstanding the repeal of the said subsection, it shall and may be lawful for the Law Society of Upper Canada, upon proof that the said Henry Hart Coyne has actually served one year under articles to a practising Attorney and Solicitor of Her Majesty's Courts of Law and Equity for Upper Canada, since he was called to the Bar of Upper Canada, to examine and enquire touching the fitness and capacity of the said Henry Hart Coyne to act as Attorney and Solicitor, and in case such examination is satisfactory, it shall be lawful for the said society to give the said Henry Hart Coyne the certificate required by the Act respecting Attorneys-at-Law, and upon production of such certificate, it shall be lawful for the Courts of Queen's Bench and Common Pleas, and the Court of Chancery for Upper Canada to admit the said Henry Hart Coyne as Attorney and Solicitor of the said Courts respectively.

Public Act.

2. This Act shall be deemed a Public Act.

C A P . C X I X .

An Act to enable Richard Thomas Walkem to be examined by the Law Society of Upper Canada for admission as an Attorney and Solicitor.

[Assented to 18th September, 1865.]

Preamble.

WHEREAS Richard Thomas Walkem, of the City of Kingston, Gentleman, hath, by his petition to the Legislature, represented that by articles of clerkship, bearing date the thirty-first

thirty-first day of May, one thousand eight hundred and sixty, he became the articled clerk of George Anthony Walkem, an Attorney-at-Law and Solicitor-in-Chancery in Upper Canada, but that by reason of the non-filing of a necessary affidavit with the said articles, he, the said Richard Thomas Walkem, lost two years or thereabouts of his term of service; whereupon, for certain good reasons in the said petition set forth, he omitted to have his said articles rectified and assigned on the departure of the said George Anthony Walkem from this Province, and that he, the said Richard Thomas Walkem hath, notwithstanding the said non-assignment, served in the same manner as an articled clerk with various Attorneys and Solicitors in Upper Canada, during a period of more than five years, being the term of the said articles, and that he is desirous of being admitted as an Attorney and Solicitor as aforesaid; and whereas he hath prayed relief in the premises, which relief it is expedient to grant him: 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 Law Society of Upper Canada, at any time after the passing of this Act, to examine the said Richard Thomas Walkem touching his fitness to be admitted as an Attorney-at-Law and Solicitor-in-Chancery as aforesaid, and upon being satisfied of such fitness, to admit him and to grant him a certificate of fitness to practise as such Attorney and Solicitor.

Law Society
may examine
R. T. Walkem
and grant him
certificate, &c.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . C X X .

An Act to enable Joseph Anctil, of Ste. Anne la Pocatière, and Auguste Fournier, of St. Jean Port Joli, to be admitted to practise as Notaries in Lower Canada.

[Assented to 18th September, 1865.]

WHEREAS Joseph Anctil, of Ste. Anne la Pocatière, in the District of Kamouraska, in this Province, did not comply with all the requirements of Section sixteen of the seventy-third Chapter of the Consolidated Statutes for Lower Canada, previous to commencing his clerkship, and hath prayed to be admitted to an examination for the purpose of being admitted as Notary, notwithstanding the said provisions, and it is expedient to grant his prayer; and whereas Auguste Fournier, of St. Jean Port Joli, in the County of l'Islet, in this Province, has not been legally admitted to the study of the profession of Notary, on account of there not being a *quorum* of the Board of Notaries before which he presented himself, and whereas he has not caused to be registered all his articles of clerkship

Preamble.

clerkship as required by Section sixteen of the seventy-third Chapter of the Consolidated Statutes for Lower Canada, and has prayed to be admitted to an examination for his admission to the said profession of Notary in Lower Canada, notwithstanding the aforesaid defects in his articles of clerkship, and it is expedient to accede to his prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

J. Anctil and A. Fournier may be admitted to practise as Notaries, on certain conditions.

1. After the passing of this Act, it shall be lawful for any Board of Notaries in Lower Canada within whose jurisdiction they shall be, to admit the said Joseph Anctil and Auguste Fournier to practise as Notaries, provided that they prove to the satisfaction of such Board that they have studied with a practising Notary duly commissioned in and for Lower Canada, during the period of time required by law, and provided also that they are deemed duly qualified, after undergoing the examinations required of candidates for admission to the practice of the said profession, notwithstanding any law or usage to the contrary.

Public Act.

2. This Act shall be deemed a Public Act.

Q U E B E C :—Printed by MALCOLM CAMERON,
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1865.—29 VICTORIAE.
FOURTH SESSION, EIGHTH PARLIAMENT.

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TO

ACTS OF CANADA.

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**Fourth Session, Eighth Parliament, 29th Victoria, 1865.**  
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