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# STATUTES

OF THE

# PROVINCE OF CANADA

PASSED IN THE

TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY

## QUEEN VICTORIA

AND IN THE SECOND SESSION OF THE SEVENTH PARLIAMENT OF CANADA.

Begun and holden at Quebec, on the Twelfth day of February, in the year  
of Our Lord One Thousand Eight Hundred and Sixty-three.



HIS EXCELLENCY

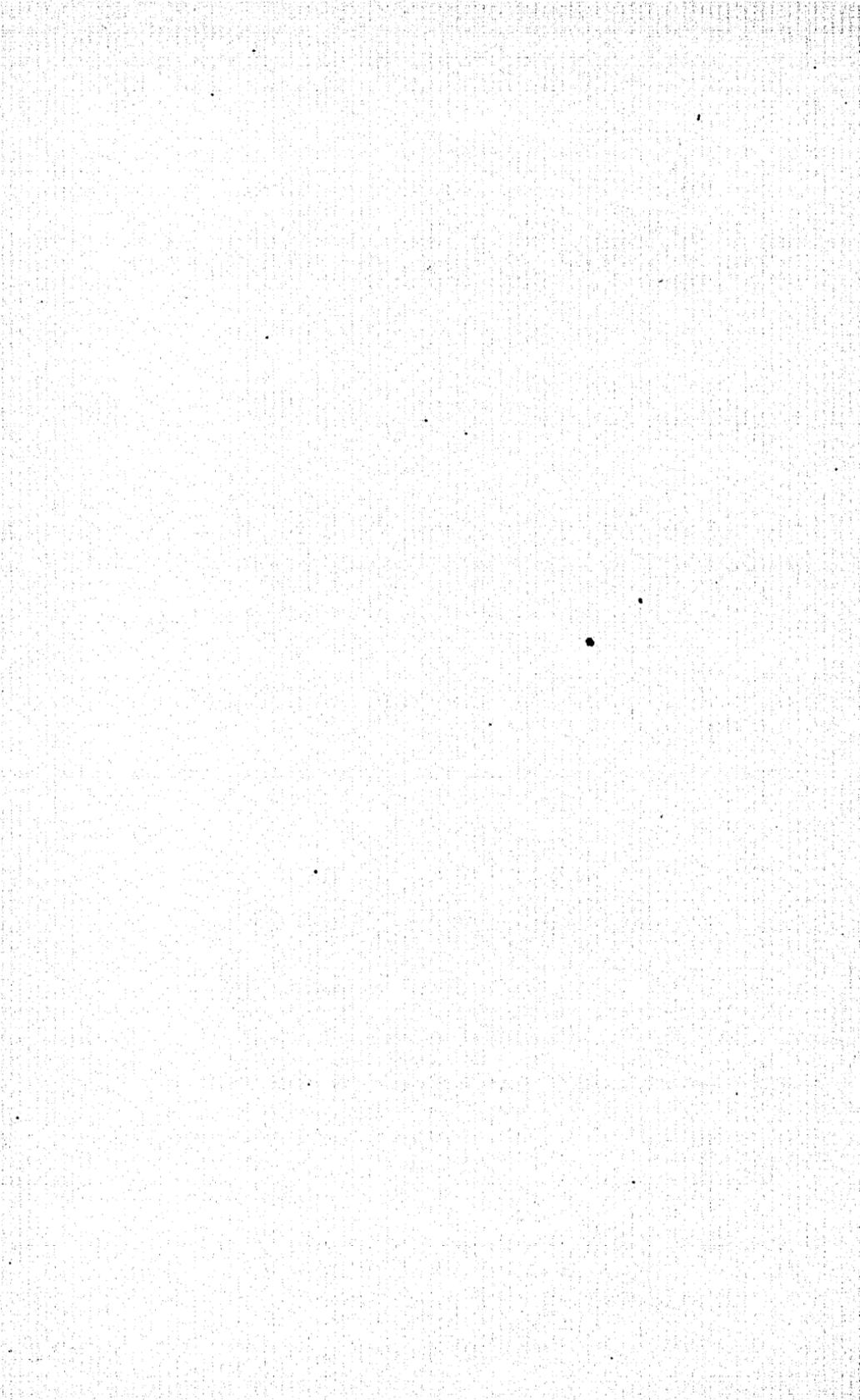
**THE RIGHT HONORABLE CHARLES STANLEY VISCOUNT MONCK,**

GOVERNOR GENERAL.

**QUEBEC:**

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

Anno Domini, 1863.





ANNO VICESIMO-SEXTO

VICTORIÆ REGINÆ.

CAP. I.

An Act to enable County Councils to raise money for assisting persons in certain cases to sow their land, and for other purposes.

[Assented to 5th May, 1863.]

**W**HEREAS, from the failure last year of the crops in many of the townships of Upper Canada, many persons will not be able to procure seed, without assistance, and it is expedient to empower County Councils to raise money for their relief: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

**1.** Notwithstanding any law in force in Upper Canada, the Council of any County may pass a By-law, or By-laws, for raising money, not exceeding in the whole twenty thousand dollars, to be expended in the purchase of seed, and for the relief of persons suffering from the failure of the crops, and for no other purpose; and the debentures issued under such By-laws shall be a charge on the County. County Councils may raise money for buying seed, &c.

**2.** Such By-law shall be in the form of Schedule A to this Act, and the sections numbered two hundred and twenty-two, two hundred and twenty-three, two hundred and twenty-four and two hundred and twenty-five of the Act respecting the Municipal Institutions of Upper Canada, chapter fifty-four of the Consolidated Statutes for Upper Canada, shall not apply thereto. Form of By-law.  
Certain provisions not to apply.

**3.** The County Council shall lend the money so raised, in such sums as they may deem expedient, to Township Councils requesting the same, and shall impose and levy a special rate, in each year, against the Municipality so borrowing, over and above County to lend the Money to the Townships.

above all other County rates, until the loan and interest are repaid.

Townships to lend to parties wanting seed, &c.

4. The Township Councils shall lend the money so borrowed, and may also lend any surplus Township funds in their possession, not otherwise appropriated, to the persons aforesaid, for the purposes aforesaid.

Or to purchase seed.

5. The Township Councils, if they deem it expedient, may purchase seed and deliver the same to the persons aforesaid, in the place of money.

Township Council to levy rates, &c., against the borrowers.

6. The Township Council shall, by By-law, declare the time within which such loan shall be repaid, and shall impose, levy and collect a special annual rate, over and above all other rates, against the estate, real and personal, of the party borrowing, and all the rights and remedies shall apply thereto, which now or at any time hereafter shall apply to the collection of any other rate or tax upon such land, or the Council, if it see fit, may take other security, real or personal, for the payment of such loan.

Application of moneys raised.

7. No money raised under this Act shall be applied to any other purpose, and any surplus thereof unapplied, shall be added to the sinking fund, for the redemption of the debentures issued as aforesaid.

Exemption from seizure.

8. No money lent or seed delivered, under this Act, shall be seized in execution, garnished or attached.

No By-law to be passed after 1st November, 1863.

9. No By-law shall be passed and no debentures shall be issued, under any By-law passed in pursuance of this Act, after the first day of November, one thousand eight hundred and sixty-three.

Act limited to U. C.

10. This Act applies to Upper Canada only.

## SCHEDULE A.

### BY-LAW No.

Enacted by the County Council of the County of \_\_\_\_\_ under and by virtue of the Statute of this Province, passed in the year one thousand eight hundred and \_\_\_\_\_, intituled: *An Act to enable County Councils to raise money for assisting persons in certain cases to sow their land, and for other purposes.*

WHEREAS it is expedient to raise the sum of \$ \_\_\_\_\_, to be applied to the purposes in the said Statute set forth; be it therefore enacted, under the authority of the said Statute, that the said sum be forthwith raised for such purposes, and that

that the Warden do cause debentures of the County of \_\_\_\_\_, to be issued, for the sum of \$ \_\_\_\_\_, which debentures shall be payable within ten years, at furthest, from the date hereof, and shall bear interest at the rate of six per cent per annum, payable half-yearly, on the thirtieth day of June and thirty-first day of December, in each year; principal and interest to be payable at \_\_\_\_\_ in the Town of \_\_\_\_\_.

And whereas the sum of \$ \_\_\_\_\_ will require to be raised annually, for paying the said debt and interest at the time and in the manner aforesaid; and whereas the amount of the whole rateable property in the said County, according to the last revised Assessment Rolls, amounts to \$ \_\_\_\_\_; be it therefore further enacted, that the sum of \_\_\_\_\_ in the dollar, on the said gross rateable value of property, be levied and collected, in each year, over and beyond all other rates, general and special, for the purpose of paying the interest on, and creating a sinking fund to pay the said sum of \$ \_\_\_\_\_, raised under the authority of this By-law and the Statute aforesaid.

## C A P. I I .

An Act to enable Local Councils to raise money for assisting persons in certain cases to sow their land, and for other purposes.

[Assented to 5th May, 1863.]

**W**HEREAS, from the failure last year of the crops in many parts of Lower Canada, many persons will not be able to procure seed, without assistance, and it is expedient to empower Local Municipal Councils to raise money for their relief: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. Notwithstanding any law in force in Lower Canada, the Council of any local Municipality in Lower Canada, may pass a By-law, or By-laws, for raising money, not exceeding in the whole one thousand dollars, to be expended in the purchase of seed, and for the relief of persons suffering from the failure of the crops, and for no other purpose; and the debentures issued under such By-laws shall be a charge on the Municipality. Local Councils may raise money for buying seed, &c.

2. Such By-law shall be in the form of Schedule A to this Act, and shall come into force immediately after being passed by the Council, at an ordinary or regularly called special meeting; anything in the Lower Canada Consolidated Municipal Act, or the Acts amending it, to the contrary notwithstanding. Form of By-law, &c., when to be in force.

Money may be borrowed under municipal loan fund; Act, and certain provisions not to apply.

Proviso.

**3.** It shall be lawful for any local Council in Lower Canada, to pass a By-law for the purpose of obtaining a Loan on the Credit of the Consolidated Municipal Loan Fund for Lower Canada for the purposes of this Act, and it shall not be necessary to make the publications of such by-law nor to submit the same for the approval of the electors as required by the Act respecting the Consolidated Municipal Loan Fund; But nothing in this Act shall be construed as authorizing any issue on the credit of the said Consolidated Municipal Loan Fund beyond the sum now remaining undisposed of under the provisions of section eighty-seven of the above cited Act.

Money to be loaned to parties wanting seed.

**4.** The Councils shall lend the money so borrowed, and may also lend any surplus funds in their possession, not otherwise appropriated, to the persons aforesaid, for the purposes aforesaid.

Or seed itself may be bought and loaned.

**5.** The Local Councils, in Lower Canada, if they deem it expedient, may purchase seed and deliver the same to the persons aforesaid, in the place of money.

Council to levy rates, &c., upon the borrowers.

**6.** The Council shall, by By-law, declare the time within which such loan shall be repaid, and shall impose, levy and collect a special annual rate, over and above all other rates, upon the estate, real and personal, of the party borrowing, and all the rights and remedies shall apply thereto, which now or at any time hereafter shall apply to the collection of any other rate or tax, or the Council, if it see fit, may take other security, real or personal, for the payment of such loan.

Application of moneys raised.

**7.** No money raised under this Act shall be applied to any other purpose, and any surplus thereof unapplied shall be added to the sinking fund, for the redemption of the debentures issued as aforesaid.

Exemption from seizure.

**8.** No money lent or seed delivered, under this Act, shall be seized in execution, garnished or attached.

No By-law after 1st August, 1863.

**9.** No By-law shall be passed and no debentures shall be issued, under any By-law passed in pursuance of this Act, after the first day of August, one thousand eight hundred and sixty-three.

Receiver General may retain moneys, &c.

**10.** So long as any sum of money is payable to the Receiver General under this Act, he may always retain in his hands any sum of money which would otherwise be payable by him to such Municipality, crediting the same to it in his accounts with it under this Act.

Act limited to L. C.

**11.** This Act applies to Lower Canada only.

SCHEDULE

## SCHEDULE A.

## BY-LAW No.

Enacted by the Municipal Council of  
 under and by virtue of the Statute of this Province, passed in  
 the year one thousand eight hundred and , intituled :  
*An Act to enable Local Councils to raise money for assisting  
 persons in certain cases to sow their land, and for other pur-  
 poses.*

WHEREAS it is expedient to raise the sum of \$ ,  
 to be applied to the purposes in the said Statute set forth ;  
 Be it therefore enacted, under the authority of the said Statute,  
 that the said sum be forthwith raised for such purposes, and  
 that the Mayor do cause debentures of the Municipality of  
 to be issued, for the sum of \$ , which  
 debentures shall be payable within ten years, at furthest, from  
 the date thereof, and shall bear interest at the rate of six per  
 cent, per annum, payable half-yearly, on the thirtieth day of  
 June and thirty-first day of December, in each year ; principal  
 and interest to be payable at in the  
 of

And whereas the sum of \$ will be required to be  
 raised annually, for paying the said debt and interest at the  
 time and in the manner aforesaid ; and whereas the amount of  
 the whole rateable property in the said Municipality, according  
 to the last revised Assessment Rolls, amounts to \$ ;  
 Be it therefore further enacted, that the sum of in  
 the dollar, on the said gross rateable value of property, be  
 levied and collected, in each year, over and beyond all other  
 rates, general and special, for the purpose of paying the interest  
 on, and creating a sinking fund to pay the said sum of \$  
 , raised under the authority of this By-law and the  
 Statute aforesaid.

## CAP. III.

An Act respecting the Inspection of Wheat and other  
 Grain.

[Assented to 5th May, 1863.]

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

## BOARDS OF EXAMINERS.

1. On or as soon as may be after the tenth day of April, and Appointment  
 of Examiners  
 before the twenty-fifth day of the same month in each year, or  
 in

by Boards of Trade.

in the present year, one thousand eight hundred and sixty-three, at any time after the passing of this Act, the Council of the Board of Trade for each of the cities of Quebec, Montreal, Toronto, Kingston, Hamilton and London, and of any other city in and for which there may then be a Board of Trade, shall appoint five skilful persons, resident in or in the immediate vicinity of the city for which they are appointed, to constitute the Board of Examiners of applicants for the office of Inspector or Assistant Inspector of Grain, for the year or period commencing on the first day of May then next, (or in the present year on the day of their appointment,) and ending on the thirtieth day of April in the then next year; and each Examiner shall, before acting as such, take the following oath of office before the President or Vice-President of the Board of Trade for the place for which he is appointed :

To take an oath of office.

The oath.

“ I, A. B., do swear that I will, well and truly, in all things, act as Examiner of applicants for the office of Inspector, or Assistant Inspector, and as Arbitrator, under the Act respecting the Inspection of Wheat and other Grain, without partiality, favor or affection, and to the best of my knowledge and understanding : So help me God.”

Where to be kept.

Which oath shall remain in the office and custody of the Secretary of the Board of Trade.

Quorum.

2. Any three of such Examiners shall form a quorum of the Board, and may do any act which the Board could legally do.

Examiners not removable.

Vacancies how filled.

3. The said Examiners shall not be removable by the Council of the Board of Trade by which they are appointed; but in case of vacancy by the death or removal of any Examiner beyond the immediate vicinity of the city for which he is appointed, the Council of the Board of Trade may appoint another in his stead, to hold office until the thirtieth day of April then next; and the person so appointed shall take the oath of office before the President or the Vice-President of the Board of Trade, and such oath shall remain in the office and custody of the Secretary, as aforesaid.

Oath of office.

Examination of candidates.

4. The Board of Examiners, or a quorum thereof, shall examine all applicants for the office of Inspector or Assistant Inspector of Grain, and shall recommend to the Council of the Board of Trade as eligible for appointment, those only whom they consider perfectly qualified for the office of Inspector or Assistant Inspector of Grain, as the case may be, distinguishing for which of the said offices they consider the applicant so qualified.

#### APPOINTMENT OF INSPECTORS AND ASSISTANTS.

Appointment of Inspector.

5. The Council of the Board of Trade for each such city as aforesaid, shall appoint an Inspector of Grain for such city, from among those certified to them by the Board of Examiners as qualified for the office.

6. Every Inspector, before he acts as such, shall take and subscribe an oath before the President or Vice-President of the Board of Trade, in the words following :

Inspector to be sworn.

" I, A. B., do solemnly swear, that I will faithfully, truly and impartially, to the best of my judgment, skill and understanding, execute and perform the office and duty of Inspector of Grain ; and that I will not directly or indirectly, by myself or by any other person or persons whomsoever, trade or deal in Wheat, or any other Grain, or be connected in any such trade during the time I shall continue such Inspector. So help me God."

The oath.

And the said oath shall remain in the office and custody of the Secretary of the Board of Trade.

Where to be kept.

7. Before any Inspector shall act as such, he shall furnish two good and sufficient sureties, each of whom shall be bound, jointly and severally with such Inspector, for the due performance of the duties of his office, in the sum of fifteen hundred dollars ; and such sureties shall be subject to approval by the President of the Board of Trade, to whom the penalty of the bond shall be made payable, and the bond shall remain in the office of the Board of Trade, and shall avail to all persons aggrieved by any breach of the conditions thereof.

Inspector to give security.

Where the Board shall be kept.

8. Each Inspector shall appoint one or as many more Assistants, as the Council of the Board of Trade may from time to time direct, for the acts of which Assistants he shall be responsible ; and all acts done by an Assistant Inspector shall be held to be the acts of the Inspector who appointed him ; but each such Assistant must, before his appointment, have been examined and approved by the Board of Examiners, and shall take and subscribe the same form of oath as the Chief Inspector, before the President or Vice-President of the Board of Trade, and such oath shall remain in the office and custody of the Secretary of the Board of Trade.

Appointment of Assistants.

They must be approved and sworn.

9. The Assistant Inspectors shall be paid by the Inspector, and shall hold their office at his pleasure ; and no such Inspector shall allow any person to act for him about the duties of his office, except his sworn Assistant or Assistants appointed as aforesaid.

How paid, removed, &c.

10. Every oath of office taken and bond given under this Act shall be kept open to public inspection, and every person shall be entitled to have communication, or to have a copy of any such oath or bond, upon payment of twenty-five cents for such communication, and ten cents for any such copy.

Oaths and bonds to be open to the public.

11. The Council of the Board of Trade may remove any Inspector and appoint another, if it be satisfactorily shown to

Removal of Inspectors.

such

such Council that the duties of the office are not properly performed.

Inspectors  
not to deal in  
Grain.  
Penalty.

12. Every Inspector, or Assistant Inspector, who directly or indirectly trades or deals in Wheat or any other Grain, shall be forthwith removed from office.

#### STANDARDS OF QUALITY.

13. The following shall be the standards of Wheat and other Grain :—

#### *Wheat.*

Qualities of  
Wheat.

No. 1 *White Winter*—Shall be sound, plump, and free from admixture of other Grain.

No. 2 *White Winter*—Shall be sound and good, but less free from other Grain than No. 1.

No. 1 *Red Winter*—Shall be sound, plump, and free from admixture of other Grain.

No. 2 *Red Winter*—Shall be sound and good, but less free from other Grain than No. 1.

*Extra Spring*—Shall be sound, plump, and free from admixture of other Grain, and weigh not less than 61 lbs. per Winchester bushel.

No. 1 *Spring*—Shall be sound, free from admixture of other Grain, and weigh not less than 59 lbs. per Winchester bushel, and shall consist of two grades—No. 1 bright, and No. 1.

No. 2 *Spring*—Shall be sound, but less free from other grain than No. 1, and its weight shall not be less than 57 lbs. per Winchester bushel.

All unsound, damp, or very dirty Wheat of whatever kind, shall be classed "Rejected."

Of Peas.

#### *Peas.*

No. 1—Shall be clean, sound and white.

No. 2—Shall be sound, mixed.

All unsound, damp, or very dirty Peas shall be classed "Rejected."

*Corn.*

*Corn.*

Of Corn.

*Pure White—Pure Yellow—Mixed and Rejected*—Shall be classed according to its quality.

*Oats.*

Of Oats.

No. 1—Shall be clean and sound.

No. 2—Shall be sound, but too dirty for No. 1.

All unsound, damp, or very dirty Oats shall be classed as "Rejected."

*Rye.*

Of Rye.

No. 1—Shall be sound and well cleaned.

No. 2—Shall be such as is too dirty to be classed as No. 1.

*Barley.*

Of Barley.

No. 1—Shall be plump in the berry, well cleaned, sound, and bright in color.

No. 2—Shall be sound and clean.

All unsound, damp, or very dirty Barley shall be classed as "Rejected."

14. Wheat, or other Grain, shall be measured as follows for ascertaining whether it is of standard weight,—that is to say : the bushel, half-bushel, or quarter of a bushel, shall be placed on a flat floor, and filled with a scoop large enough to fill it at one time, and shall be struck with a roller  $2\frac{1}{2}$  inches in diameter.

Mode of measuring wheat and other grain.

## DUTIES OF INSPECTORS.

15. The duty of Inspector shall be to determine and certify the quality of all Wheat or other Grain submitted to him for Inspection, in conformity to the standards hereinbefore prescribed.

Inspecting.

16. Each Inspector of Grain shall, at his own expense, provide sufficient samples of each of the qualities of the different kind of Grain, of which the standard is hereinbefore fixed ; such samples to be approved by the Board of Examiners, and to be renewed as often as may be required by the said Board ; and the same shall be deposited with the Secretary of the Board of Trade, and kept by him as standard samples, by which the Inspectors shall be governed in establishing the several qualities of Wheat and other Grain.

Providing samples as standards.

How kept.

Renewing samples.

**17.** The standard weight of each kind of Grain shall be fixed and unchangeable; and when the samples aforesaid are renewed, the color of the new samples shall be as near that of the original samples as possible.

Inspector's office.

**18.** The Inspector shall provide himself with an office in some place in the city for which he is appointed, convenient for the trade, and shall keep a record of all his Inspection, which shall be open to the public.

Fees to Inspectors.

**19.** For such Inspection, the person who required the inspection thereof shall pay to the Inspector the fees payable for the service performed, under the Tariff made by the Board of Examiners, as hereinafter provided, and then in force.

Bill of Inspection; its contents.

**20.** As soon as any Wheat or other grain is inspected, a bill of Inspection (with a certificate to the shipper when required) shall be furnished by the Inspector or Assistant Inspector, without fee or reward, specifying the quantity and quality ascertained by inspection, and the charges thereon, with the name of the store, vessel, or number of the car wherein the Wheat or other Grain was when inspected.

Weekly report of Inspector.

**21.** The Inspector shall, on Monday in every week, make out, sign, and transmit to the Secretary of the Board of Trade of the city for which he is appointed, a statement of the quantity and quality of all Wheat and other Grain, inspected or re-inspected by him, or his assistant, during the next preceding week.

#### FEES, DISPUTES AND MISCELLANEOUS PROVISIONS.

Tariff of fees to be made.

**22.** The Board of Examiners, or a quorum thereof, shall make a Tariff of the Inspectors' fees for the several services which may be required of them, and may from time to time, as circumstances may require, re-model and alter such Tariff;— And the said Board shall be a Board of Arbitrators to decide all disputes arising between an Inspector and any party employing him, regarding the quality and condition of any Wheat or other Grain submitted to him for Inspection.

Examiners to be arbitrators in disputes.

Proceedings in case of dispute as to quality.

**23.** If any dispute arises between the Inspector or Assistant Inspectors and the owner or possessor of Wheat, or other Grain, with regard to the quality or condition thereof, then, upon application by either of the parties to the Secretary of the Board of Trade, the said Secretary shall forthwith summon a meeting of the Board of Examiners, who shall immediately examine such Wheat or other Grain, and report their opinion of the quality and condition thereof, and their determination, made in writing, shall be final and conclusive; The parties against whom the Arbitrators decide shall pay all charges incurred about the arbitration, and the Arbitrators shall fix the amount

Costs.

of such charges, and the Inspector shall, in his bill of inspection and certificate, conform to the decisions of the Board of Arbitration.

24. Nothing in this Act shall oblige any person to cause any Wheat or other Grain to be inspected; but if inspected, it shall be subject to the provisions of this Act. Inspection not to be compulsory.

## C A P. I V .

An Act respecting the Sureties of Public Officers on the Separation of United Counties and Townships.

[Assented to 5th May, 1863.]

**W**HEREAS it is desirable to amend the Law with respect to Public Officers of United Counties or Townships, who continue the public officers of the senior County or Township, or remaining Counties or Townships, after the separation of a junior County or Township from the Union, and with respect to the Sureties of such Public Officers: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The separation of a Junior County or Township from a Union of Counties or townships, shall not in any case or in any manner whatever affect the office, duty, power or responsibility of any Public Officer of the Union who continues a public officer of the senior County or Township or remaining Counties or Townships after such separation, or the sureties of any such Officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the senior County or Township, or remaining Counties or Townships. Separation not to affect the duties or liability of an officer continuing such for the Senior County, &c., or his sureties.

2. All such public Officers shall, after such separation, be the officers of the senior County or Township, or remaining Counties or Townships, as if they had originally been respectively appointed Public Officers for such senior County or Township, or for such remaining Counties or Townships only. Such officers to be the officers of the Senior county, &c.

3. All sureties for such Public Officers shall be, and remain liable, as if they had become the sureties for such Public Officers, in respect only of such senior County or Township, or of such remaining Counties or Townships; And all securities which have been given shall, after such separation, be read and construed as if they had been given only for such senior or remaining County or Counties, or Township or Townships. Liability of their sureties. How securities shall be construed.

4. Nothing herein contained shall affect the right of new sureties being required to be given by any Sheriff, or by any Clerk or Bailiff or other public officer, under any statute, or otherwise howsoever. Right to require new sureties not impaired.

5. This Act shall apply to Upper Canada only.

C A P .

Act limited to U. C.

## CAP. V.

## An Act to restore to Roman Catholics in Upper Canada certain rights in respect to Separate Schools.

[Assented to 5th May, 1863.]

Preamble.

**W**HEREAS it is just and proper to restore to Roman Catholics in Upper Canada certain rights which they formerly enjoyed in respect to separate Schools, and to bring the provisions of the Law respecting Separate Schools more in harmony with the provisions of the Law respecting Common Schools: 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. cap. 65, ss.  
18 to 36 re-  
pealed.

1. Sections eighteen to thirty-six, both inclusive, of chapter sixty-five of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting separate Schools*, are hereby repealed, and the following shall be substituted in lieu thereof, and be deemed to form part of the said Act:

Five heads of  
families being  
Roman Catho-  
lics may call a  
meeting for a  
separate school.

2. Any number of persons, not less than five, being heads of families, and freeholders or householders, resident within any school section of any Township, Incorporated Village or Town, or within any ward of any City or Town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a Separate School for Roman Catholics, in such school section or ward, for the election of Trustees for the management of the same.

Election of  
Separate  
School Trus-  
tees.

Qualification.

3. A majority of the persons present, being freeholders or householders, and being Roman Catholics, and not candidates for election as Trustees, may, at any such meeting, elect three persons resident within such section or an adjoining section to act as Trustees for the management of such Separate School; and any person, being a British subject, not less than twenty-one years of age, may be elected as a Trustee, whether he be a freeholder or householder, or not.

Written notice of such  
meeting to be  
given and to  
whom and in  
what manner.

4. Notice in writing that such meeting has been held and of such election of Trustees, shall be given by the parties present at such meeting to the Reeve or head of the Municipality, or to the Chairman of the Board of Common School Trustees, in the Township, Incorporated Village, Town or City in which such School is about to be established, designating by their names, professions and residences, the persons elected in the manner aforesaid, as Trustees for the management thereof; and every such notice shall be delivered to the proper officer by one of the Trustees so elected, and it shall be the duty of the officer receiving the same to endorse thereon the date of the receipt thereof, and to deliver a copy of the same

same so endorsed and duly certified by him to such Trustee, and from the day of the delivery and receipt of every such notice, or in the event of the neglect or refusal of such officer to deliver a copy so endorsed and certified, then from the day of the delivery of such notice, the Trustees therein named shall be a body corporate, under the name of "The Trustees of the Roman Catholic Separate School for the Section number Corporate name of Trustees. in the township of \_\_\_\_\_, or for the ward of \_\_\_\_\_, in the city or town (as the case may be) or for the village of \_\_\_\_\_, in the county of \_\_\_\_\_."

5. The Trustees of Separate Schools heretofore elected, or hereafter to be elected according to the provisions of this Act, in the several Wards of any city or town, shall form one body corporate, under the title of "The Board of Trustees of the Roman Catholic Separate Schools for the city (or town) of— Union of wards in Towns or Cities.

6. It shall be lawful for the majority of the rate-paying supporters of the Separate School, in each Separate School Section, whether the Sections be in the same or adjoining Municipalities, at a public meeting duly called by the Separate School Trustees of each such section, to form such sections into a Separate School Union Section, of which union of sections the Trustees shall give notice within fifteen days to the Clerk or Clerks of the Municipality or Municipalities, and to the Chief Superintendent of Education; and each such Separate School Union Section thus formed, shall be deemed one School Section for all Roman Catholic Separate School purposes, and shall every year thereafter be represented by three Trustees, to be elected as in Common School Sections: Notice for union of School sections, for a Separate School.

2. And the said Trustees shall form a body corporate, under the title of "The Board of Trustees of the Roman Catholic United Separate Schools for the United Sections Nos. \_\_\_\_\_ (as the case may be,) in the \_\_\_\_\_ (as the case may be.)" Union formed. Corporate name of Trustees for Union.

7. The Trustees of Separate Schools forming a body corporate under this Act, shall have the power to impose, levy and collect School rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of such Schools, and shall have all the powers in respect of Separate Schools, that the Trustees of Common Schools have and possess under the provisions of the Act relating to Common Schools. Powers of Trustees.

8. The Clerk or other officer of a Municipality within or adjoining which a Separate School is established, having possession of the Assessor's or Collector's roll of the said Municipality, shall allow any one of the said Trustees or their authorized collector to make a copy of such roll in so far as it relates to the persons supporting the Separate School under their charge. Trustees may copy Assessment Roll of Municipality.

Declaration by Trustees of Separate Schools.

**9.** The Trustees of Separate Schools shall take and subscribe the following declaration before any Justice of the Peace, Reeve or Chairman of the Board of Common Schools :

“ I, \_\_\_\_\_, will truly and faithfully, to the best of my judgment and ability, discharge the duties of the office of School Trustee to which I have been elected : ”

And they shall perform the same duties and be subject to the same penalties as Trustees of Common Schools; and teachers of Separate Schools shall be liable to the same obligations and penalties as teachers of Common Schools.

Term of office of Trustees.

**10.** The Trustees of Separate Schools shall remain respectively in office for the same periods of time that the Trustees for Common Schools do, and as is provided by the thirteenth Section and its sub-sections, of the Common School Act of the Consolidated Statutes for Upper Canada; but no Trustee shall be re-elected without his consent, unless after the expiration of four years from the time he went out of office; provided always, that whenever in any City or Town divided into Wards, a united Board now exists, or shall be hereafter established, there shall be for every Ward two Trustees, each of whom, after the first election of Trustees, shall continue in office two years and until his successor has been elected, and one of such Trustees shall retire on the second Wednesday in January, yearly, in rotation; and provided also, that at the first meeting of the Trustees after the election on the second Wednesday in January next, it shall be determined by lot, which of the said Trustees, in each Ward, shall retire from office at the time appointed for the then next annual election, and the other shall continue in office for one year longer.

Proviso : in cases of United Boards now existing in Cities and Towns.

Proviso as to order of retirement.

As to time and mode of elections.

Certain provisions to apply.

**11.** After the establishment of any Separate School, the Trustees thereof shall hold office for the same period and be elected at the same time in each year that the Trustees of Common Schools are, and all the provisions of the Common School Act relating to the mode and time of election, appointments and duties of Chairman and Secretary at the annual meetings, term of office and manner of filling up vacancies, shall be deemed and held to apply to this Act.

Children from other school sections.

**12.** The Trustees of Separate Schools may allow children from other School Sections, whose parents or lawful guardians are Roman Catholics, to be received into any Separate School under their management, at the request of such parents or guardians; and no children attending such School shall be included in the return hereafter required to be made to the Chief Superintendent of Education, unless they are Roman Catholics.

Certificates to Teachers of separate schools.

**13.** The Teachers of Separate Schools under this Act shall be subject to the same examinations, and receive their certificates of qualifications, in the same manner as Common School

Teachers

Teachers generally ; provided that persons qualified by law as Teachers, either in Upper or Lower Canada, shall be considered qualified Teachers for the purposes of this Act.

**14.** Every person paying rates, whether as proprietor or tenant, who, by himself or his agent, on or before the first day of March in any year, gives, or who, on or before the first day of March, of the present year, has given to the Clerk of the Municipality notice in writing that he is a Roman Catholic, and a supporter of a Separate School situated in the said Municipality, or in a Municipality contiguous thereto, shall be exempted from the payment of all rates imposed for the support of Common Schools, and of Common School Libraries, or for the purchase of land or erection of buildings for Common School purposes, within the City, Town, Incorporated Village or section in which he resides, for the then current year, and every subsequent year thereafter, while he continues a supporter of a Separate School; and such notice shall not be required to be renewed annually; and it shall be the duty of the Trustees of every Separate School to transmit to the Clerk of the Municipality or Clerks of Municipalities (as the case may be) on or before the first day of June in each year, a correct list of the names and residences of all persons supporting the Separate Schools under their management; and every rate-payer whose name shall not appear on such list shall be rated for the support of Common Schools.

Supporters of separate schools exempted from payment of common school rates, on giving a certain notice.

Notice need not be renewed yearly.

**15.** Every Clerk of a Municipality, upon receiving any such notice, shall deliver a certificate to the person giving such notice, to the effect that the same has been given, and showing the date of such notice.

Certificates of notice.

**16.** Any person who fraudulently gives any such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from rates, and shall be liable to a penalty of forty dollars, recoverable with costs, before any Justice of the Peace at the suit of the Municipality interested.

Penalty for wilful false statements in such notice.

**17.** Nothing in the last three preceding sections contained, shall exempt any person from paying any rate for the support of Common Schools or Common School Libraries, or for the erection of a School House or School Houses, imposed before the establishment of such Separate School.

Exception as rates imposed before separate school established.

**18.** Any Roman Catholic who may desire to withdraw his support from a Separate School, shall give notice in writing to the Clerk of the Municipality, before the second Wednesday in January in any year, otherwise he shall be deemed a supporter of such School; Provided always, that any person who shall have withdrawn his support from any Roman Catholic Separate School, shall not be exempted from paying any rate for the support of Separate Schools or Separate School Libraries, or

Persons withdrawing support from Separate school, to give notice.

Proviso.

for the erection of a separate School House, imposed, before the time of his withdrawing such support from the Separate School.

Residence of supporters of separate schools.

**19.** No person shall be deemed a supporter of any Separate School unless he resides within three miles (in a direct line) of the site of the School House.

Separate schools entitled to a share of the public grant.

**20.** Every Separate School shall be entitled to a share in the fund annually granted by the Legislature of this Province for the support of Common Schools, and shall be entitled also to a share in all other public grants, investments and allotments for Common School purposes now made or hereafter to be made by the Province or the Municipal authorities, according to the average number of pupils attending such school during the twelve next preceding months, or during the number of months which may have elapsed from the establishment of a new Separate School, as compared with the whole average number of pupils attending School in the same City, Town, Village or Township.

But not to any share of local assessment for common schools.

**21.** Nothing herein contained shall entitle any such Separate School within any City, Town, Incorporated Village or Township, to any part or portion of school moneys arising or accruing from local assessment for Common School purposes within the City, Town, Village or Township, or the County or Union of Counties within which the City, Town, Village or Township is situate.

Return to be transmitted by Trustees.

**22.** The Trustees of each Separate School shall, on or before the thirtieth day of June, and the thirty-first day of December of every year, transmit to the Chief Superintendent of Education for Upper Canada, a correct return of the names of the children attending such school, together with the average attendance during the six next preceding months, or during the number of months which have elapsed since the establishment thereof, and the number of months it has been so kept open; and the Chief Superintendent shall, thereupon, determine the proportion which the Trustees of such Separate School are entitled to receive out of the Legislative grant, and shall pay over the amount thereof to such Trustees.

Visitors of separate schools.

**23.** All Judges, Members of the Legislature, the heads of the Municipal bodies in their respective localities, the Chief Superintendent and Local Superintendent of Common Schools, and Clergymen of the Roman Catholic Church, shall be Visitors of Separate Schools.

Election of Trustees, when to become void.

**24.** The election of Trustees for any Separate School shall become void, unless a Separate School be established under their management, within three months from the election of such Trustees.

**25.** No person subscribing towards the support of a Separate School, established as herein provided, or sending children thereto, shall be allowed to vote at the election of any Trustee, for a Common School in the City, Town, Village or Township, in which such Separate School is situate.

Supporters of separate schools not to vote at elections of common school Trustees.

**26.** The Roman Catholic Separate Schools, (with their Registers), shall be subject to such inspection, as may be directed from time to time, by the Chief Superintendent of Education, and shall be subject also, to such regulations, as may be imposed, from time to time, by the Council of Public Instruction for Upper Canada.

Inspection of schools by Chief Superintendent.

**27.** In the event of any disagreement between Trustees of Roman Catholic Separate Schools, and Local Superintendents of Common Schools, or other municipal authorities, the case in dispute shall be referred to the equitable arbitrament of the Chief Superintendent of Education in Upper Canada; subject, nevertheless, to appeal to the Governor in Council, whose award shall be final in all cases.

Disagreement between Trustees, Local Superintendents, &c.

**28.** This Act shall come into force, and take effect, from and after the thirty-first day of December next; but all contracts and engagements made, and rates imposed, and all corporations formed under the Separate School Law, hereby repealed, shall remain in force as if made under the authority of this Act.

Commencement of Act. Existing arrangements saved.

## C A P . V I .

An Act to amend the Act chapter seventeen of the Consolidated Statutes for Lower Canada, respecting the Royal Institution for the advancement of Learning.

[Assented to 5th May, 1863.]

**W**HEREAS the Royal Institution for the advancement of Learning, Governors of McGill College, by their petition, have in effect set forth, that for many years past the said Royal Institution for the advancement of learning, Governors of McGill College, have in fact had no functions to perform other than those incident to their capacity as such Governors, and no property or funds to administer, other than those appertaining to the said College and University, or to Departments or Institutions of Learning belonging or affiliated thereto;—that the endowments thereof are the result of private liberality, and that, for the further development of such liberality, and the advancement in other respects of the interests of the said University, it is desirable that the Provincial Statute constituting the said Royal Institution for the advancement of Learning should be amended as hereinafter is set forth; and whereas it is expedient to grant their prayer for such amendment thereof:

Preamble.

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

Provision may be made by Statute of McGill College for augmenting the number of Trustees, &c., &c. Con. Stat., L. C. Cap. 17 cited.

And touching appointment, duties, &c., of the President of the Royal Institution.

Enactments inconsistent with such Statute to stand repealed.

McGill College and affiliated institutions to be deemed Schools of Royal foundation.

Section 10 repealed.

Public Act.

**1.** Notwithstanding anything contained in the first, fourth and fifth sections of the Act chaptered seventeen of the Consolidated Statutes for Lower Canada, provision may from time to time be made by any Statute of McGill College and University aforesaid, duly passed, and in force, for augmenting the number of the Trustees, members of the Royal Institution for the advancement of Learning, and Governors of the said College and University, from the number of ten presently established, to not more than fifteen in the whole ; and also for regulating the selection and appointment thereafter in such manner and with such formalities as may be deemed expedient, of fit and proper persons to become such Trustees ; and also for fixing and limiting, in so far as may be deemed expedient, the term of office of such Trustees, and also for regulating the selection and appointment, in such manner and with such formalities as may be deemed expedient, and the duties, title and term of service, of the President or Principal of the said Royal Institution for the advancement of Learning, and generally for the conducting of the affairs thereof, and of the said University ; and any such Statute of the said University may thereafter, from time to time, be amended or repealed by any other Statute thereof in like manner duly passed.

**2.** Upon the due passing of any such Statute or Statutes of the said University, so much of the said first, fourth and fifth sections of the said Act as may be in anywise inconsistent therewith, shall wholly cease to have force and effect, to all intents as though hereby expressly repealed.

**3.** The said University, and the several departments or branches thereof, and such institutions of education as from time to time may have been or hereafter may be affiliated thereto, in terms of the Statutes thereof, shall alone be deemed to be Schools and Institutions of Royal foundation, and under the control of the said Royal Institution for the advancement of Learning within the meaning of the said Act.

**4.** The tenth Section, and also the proviso or limitation forming part of the nineteenth section of the said Act, are hereby repealed

**5** This Act shall be a Public Act.

## C A P . V I I .

An Act to amend chapter seventy-five of the Consolidated Statutes for Lower Canada, concerning the division of Lower Canada into Counties.

[Assented to 5th May, 1863.]

**W**HEREAS it would be more convenient for inhabitants of the Township of Broughton, now in the County of Megantic, that the said Township should be annexed to the County of Beauce: 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 first day of July next after the passing of this Act, the Township of Broughton shall be detached from the County of Megantic, the District of Arthabaska, and the Electoral Division of Kennebec, and shall be annexed to the County of Beauce, the District of Beauce, and the Electoral Division of Lauzon, and shall form part of the said County of Beauce for all purposes generally whatsoever; provided always, that all suits, actions and proceedings, civil or criminal, pending on the day last aforesaid, may be continued to trial, judgment and execution, and all proceedings after execution may be had therein, as if the said Township of Broughton were still within the County of Megantic, and District of Arthabaska; and that the election of the Mayor and Councillors of the said Township before the passing of this Act, shall not be invalidated thereby; but the Mayor of the said Township, shall, on the day last aforesaid, become a member of the County Council of the County of Beauce.

Township of Broughton detached from county of Megantic and annexed to that of Beauce.

Proviso: as to pending suits, and as to present municipal officers.

2. Until the books, entries and documents in the Registry Office for the County of Megantic, relating to property in the Township of Broughton, or transcripts thereof, have been transmitted to the Registry Office for the County of Beauce, the Registrar of the County of Beauce shall state this fact in every certificate, by him given of a search concerning any immoveable property situate in the said Township of Broughton, and if the said Certificate have been required by any Sheriff or by any applicant for a Judgment of Confirmation or by any party prosecuting a forced licitation, then such Sheriff, applicant or party shall obtain from the Registrar of the County of Megantic a certificate for the period during which the property was in his County, or Registration Division, or in any other of which the books, entries and documents, affecting such property, or transcripts thereof, have been transmitted to his office; and the Registrar of the County of Megantic shall, as to such period, have the same duties and powers as the Registrar of the County of Beauce.

Provision with regard to certificates from the registrar of deeds until transcripts of entries respecting Broughton have been transmitted to Registry office of Beauce.

3. This Act shall be a Public Act.

Public Act.

## CAP. VIII.

## An Act to divide the County of Saguenay into two Municipalities.

[Assented to 5th May, 1863.]

Preamble.

**W**HEREAS it is necessary from the great distance existing between the different settlements and the difficulty of communication in the County of Saguenay, to divide the same into two separate Municipalities; and the inhabitants of the said County have petitioned for such division, and it is expedient to grant the prayer of such petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

County of Saguenay divided.

Tadouzac division and chef-lieu.

Escoumains division and chef-lieu.

Councillors and electors.

Each division to have a Warden.

**1.** From and after the passing of this Act, the County of Saguenay shall be, and is hereby divided into two separate Municipalities, for the purposes of the Lower Canada Consolidated Municipal Act, and there shall be no other Local Municipalities in the said County; the first division shall be called the Municipality of Tadousac, and shall comprise and include the Townships of Saguenay, Albert and Tadousac, and any other township that may be surveyed to the westward of Tadousac, or any settlements west of the said Township, that may exist before a survey takes place, and shall have its *chef-lieu* in the village of Tadousac, in the Township of Tadousac; and the second division shall be called the Municipality of Escoumains, and shall comprise and include, the Townships of Bergeronnes, Escoumains and Iberville, and the Seigniorship of Mille-Vaches, or any settlements that exist or that may take place, east of the Seigniorship of Mille-Vaches, as far as Outard Point, before a survey takes place, and shall have its *chef-lieu* at Escoumains Village, in the Township of "Escoumains."

**2.** The Council of each of the said Municipalities shall consist of seven members, elected in the manner prescribed in the said Act, with respect to the members of Local Councils, by the inhabitants of the Municipality, being owners, occupants or tenants of real property therein, and shall be subject to the provisions of the said Act, with respect to Local Councils, except in so far as it is herein otherwise provided.

**3.** The said Councils and Municipalities shall each be presided over by an officer, elected as the Mayors of Local Municipalities are under the said Act, but who shall have the title of Warden, with such of the powers of a Warden as may be consistent with this Act; and each Warden shall act as a County Delegate, and no other Delegate shall be appointed from the Municipality.

4. Each of the said Municipalities and Councils shall have all the powers and duties of, and shall be held to be, a Local Municipality and Council under the said Act, and shall also have the powers and duties of a County Municipality and Council under the same, except those which relate to the construction or maintenance of a Court House and Gaol, or of a Registry Office, or to any contribution for the same, as to which they shall be dealt with as Local Municipalities,—and except, also, as to any yearly allowance out of public moneys in respect of a County Court House, which allowance shall be divided between them in proportion to their population, and except also such powers as may be inconsistent with its original jurisdiction as a Local Council; the elections of the Councillors, and the sittings of each of the said Councils, shall be held, as aforesaid, at its respective *chef-lieu* in the Village of Tadoussac and Village of Escoumains.

Divisions to have the powers and duties of county and local municipalities.

Exceptions.

Place of election.

5. All appeals and revisions which, under the said Municipal Act, would otherwise be made to or by the County Municipality, shall be made to and by the Circuit Court, at Murray Bay, in the District of Saguenay; and the said Court is hereby specially empowered to take cognizance of the matters aforesaid, and to give its decision in the same manner as the County Council might have done; and the clerk of the said Court shall be substituted for the Clerk of such County Council, notwithstanding anything in the said Act

Appeals under Municipal Act to lie to Circuit Court at Murray Bay.

6. The said Municipalities shall be organized, and may exercise all their powers and functions, although there may not be three hundred souls within the limits of each or of either; and any owner, occupant or tenant of real property in either Municipality, whatever be the value thereof, shall be a Municipal elector, and may be elected a Councillor; and commissioners for the summary trial of small causes may also be Councillors therein.

Three hundred souls not required for each division.

Electors' qualification.

7. The election of Councillors shall be held within thirty days after the passing of this Act, at the time and at places at the *chef-lieu* of each Municipality as before mentioned, to be fixed by the Registrar of the first Registration Division of the District of Saguenay, at Murray Bay, who shall appoint the Returning Officers for such elections; and in default of such election in either Municipality within thirty days after the passing of this Act, the Governor shall appoint the Councillors under the Lower Canada Consolidated Municipal Act.

When the first election shall be had;—who shall preside.

In case of failure of election.

8. This Act shall be deemed a Public Act.

Public Act.

## C A P . I X .

An Act to remove doubts as to the representation in the Legislative Council of the Townships of Osgoode and Gloucester, in the County of Carleton.

[Assented to 5th May, 1863.]

Preamble.  
Con. Stat.  
Can. c. 2.

**W**HEREAS it is enacted by the ninth section of the second chapter of the Consolidated Statutes of Canada, intitled: *An Act respecting the Representation of the People in the Legislative Assembly*, that the Townships of Gloucester and Osgoode shall, for the purposes of Representation only, be detached from the County of Carleton and attached to the County of Russell; and whereas it is in effect enacted by the first chapter of the Consolidated Statutes of Canada and the Schedule thereto annexed, that the Electoral Division of Rideau entitled to return a Member to the Legislative Council, shall comprise and include the Counties of Renfrew and Carleton and the City of Ottawa; and whereas doubts have arisen whether the said Townships of Gloucester and Osgoode form part of the County of Carleton for the purpose of representation as part of the Rideau Electoral Division in the Legislative Council, and it is expedient that such doubts should be removed: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

Gloucester and Osgoode declared to be in electoral division of Rideau and part of Carleton, except for certain purposes only.

**1.** The Townships of Gloucester and Osgoode are hereby declared to have formed a part, and to be and to form a part of the County of Carleton, excepting for the purpose of representation in the Legislative Assembly, and excepting also for agricultural purposes under the Consolidated Statutes of Canada, chapter thirty-two; and such Townships, as such part of the County of Carleton, are hereby declared to have formed, and to form part of the "Rideau" Electoral Division entitled to return a Member to the Legislative Council.

Cap. 2. Con.  
Stat. Can. not  
effected.

**2.** Nothing in this Act contained shall be construed to repeal, vary, or affect the hereinbefore first in part recited Act.

Public Act.

**3.** This Act shall be deemed and taken as a Public Act.

## C A P . X .

An Act to confirm the separation of the late United Counties of Peterborough and Victoria, and the several proceedings taken relative thereto.

[Assented to 5th May, 1863.]

Preamble.

**W**HEREAS, in pursuance of and under the authority conferred in and by two certain Acts of the Legislature of this Province, passed respectively as follows, that is to say: the

the one passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, and intituled: *An Act to provide for the separation of the County of Victoria from the County of Peterborough, and to fix the County Town at Lindsay*, 19, 20 V. c. 96. and the other passed in the session held in the twenty-fourth year of Her Majesty's reign, intituled: *An Act to amend the Act to provide for the separation of the County of Victoria from the County of Peterborough, and to fix the County Town at Lindsay*, 24 V. c. 50. or of the authority conferred by one or other of the said Acts, the Reeves and Deputy Reeves of the County of Victoria, one of the United Counties of Peterborough and Victoria, did form themselves into a Provisional Municipal Council for the said County of Victoria; And whereas it was made manifestly to appear to the Governor in Council that in accordance with the requirements of the said Acts, respectively hereinbefore mentioned, the said Provisional Municipal Council of the County of Victoria had provided the necessary public buildings at the said town of Lindsay, to the satisfaction of the Governor in Council, and that the said Provisional Municipal Council of the County of Victoria had also provided for the liquidation of any debt which has been contracted by the said United Counties of Peterborough and Victoria; And whereas the Governor of this Province, thereupon and in pursuance of the said Acts hereinbefore recited, did appoint the necessary officers for the County of Victoria, as required in and by the forty-ninth section of the fifty fourth chapter of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting the Municipal Institutions of Upper Canada*, and did issue a proclamation whereby and whereunder, on, from and after the twenty-fourth day of the month of January, in the year one thousand eight hundred and sixty-three, the union of the United Counties of Peterborough and Victoria was then and thenceforth dissolved; And whereas doubts have arisen as to the construction of the said recited Acts of Parliament, and it is desirable to remove the same, and to confirm the said appointment of officers, proclamation and all proceedings taken relative thereto: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The appointment by the Governor in Council of the several officers for the County of Victoria, that is to say: a Judge, a Sheriff, Coroners, Clerk of the Peace, Clerk of the County Court, a Registrar and Justices of the Peace,—and the proclamation of the Governor in Council, whereby and whereunder, on, from and after the twenty-fourth day of the month of January, in the year one thousand eight hundred and sixty-three, the Union of the United Counties of Peterborough and Victoria was then and thenceforth dissolved,—and the separation thereunder, on the said twenty-fourth day of January, in the year one thousand eight hundred and sixty-three, of the County of Victoria from the Union of the United Counties of Peterborough and Victoria

Appointment of officers for Victoria and proclamation for separation of counties confirmed.

was

was then and thereby established,—is and are hereby respectively confirmed, and declared to have been and to be valid and legal to all intents and purposes whatsoever.

Certain provisions of Con. Stat. U. C. c. 54 as to separation of United counties, to apply.

Exception.

2. The several provisions contained in the said fifty-fourth chapter of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting the Municipal Institutions of Upper Canada*, and in any Act or Acts of the Parliament of this Province, 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 Victoria from the County of Peterborough.

Governor's warrant for special sessions for selection of Jurors in Victoria confirmed.

3. The Warrant of the Governor, issued on the twenty-fourth day of January, in the year one thousand eight hundred and sixty-three, under the authority of the fifty-eighth section of the thirty-first chapter of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting Jurors and Juries*, for the holding of a special Session of the Court of Quarter Sessions of the Peace for the County of Victoria, for the selecting of Jury Lists for the said County of Victoria, and the proceedings of the said Court in reference thereto, are hereby declared valid and legal.

Doubts recited.

Councils of the two counties may agree as to periods of payment of certain sums.

Provision in default of agreement.

4. And whereas doubts also have arisen whether the indebtedness of the County of Victoria to the County of Peterborough has been sufficiently provided for, as to the periods of payment: Therefore, be it enacted, that the Council of the County of Victoria may enter into an agreement with the Council of the County of Peterborough for fixing the periods of payment of the sums found to be due, by a report of a special committee of the County Council of the late united Counties of Peterborough and Victoria, bearing date the eleventh day of December, one thousand eight hundred and sixty-two, by the said County of Victoria to the County of Peterborough; and in case the Councils of the respective Counties do not agree as to the periods of payment, the matter shall be settled by them by arbitration, under the fifty-fourth chapter of the Consolidated Statutes for Upper Canada hereinbefore recited, and the County of Victoria shall pay to the County of Peterborough the amount fixed in the report aforesaid at the periods so agreed upon or settled, and such payments shall be provided for like other debts, by the Council of the County of Victoria.

Recital.

5. And whereas it may have happened, or may happen, that at the sittings during the present year, one thousand eight hundred and sixty-three, of the several Courts of Assize, Nisi Prius, and General Gaol Delivery, and of the County Court and of the Court of Quarter Sessions, for the County of Peterborough,

a sufficient number of Jurors may not have appeared or may not appear, as required by law : Be it therefore declared and enacted, that when a full jury, as required by the thirty-first chapter of the Consolidated Statutes for Upper Canada, intituled : *An Act respecting Jurors and Juries*, has not appeared or does not appear before any Court of Assize and Nisi Prius, or before any sittings of the County Court of the County of Peterborough for the trial of issues or assessment of damages, as at Nisi Prius, or before any Court of General Gaol Delivery, or of Quarter Sessions, in the said county of Peterborough during the present year one thousand eight hundred and sixty-three; or when in any of the courts aforesaid, after the appearance of a full jury, by challenge of any of the parties, the jury has been or may be likely to remain untaken for default of jurors, every such court, upon request made for the Queen by Her Attorney or Solicitor General, or any of Her counsel learned in the law, or in their absence by the county attorney, or by any one thereto authorized or assigned by such court, or on request made by the parties plaintiff, demandant, defendant or tenant, or their respective attorneys, in any action or suit, might and shall command the sheriff or other officer or minister to whom the making of the return may belong, to name and appoint so often as need has required or may require, during the year one thousand eight hundred and sixty-three, so many of such other able men of the county of Peterborough then present as would or will make up a full jury; and the sheriff, or other officer or minister aforesaid, might and shall, at such command of the court, return such good and true men as were or may be present or could or can be found to serve on such jury, and might and shall add and annex their names to any panel that has been or may be returned upon any precept or Venire Facias; and every jury so formed has had and shall have as full and ample power and authority to try any such case, whether criminal or civil, as came or may come before them, and to return a verdict therein, as if the same had been a jury constituted in pursuance of and under the provisions of the last mentioned Act.

Provision for case where a full jury may not have appeared or appear at certain Courts in Peterborough.

Court may order Sheriff to name other Jurors.

Powers of Jurors.

6. The Governor may, in his discretion, by warrant under his privy seal, of which a copy shall be published in the official *Gazette* of the Province, and also in one newspaper published in the county of Peterborough, fix a day not sooner than fourteen days from the publication of the warrant in the *Gazette*, and also a place in the county of Peterborough, for holding a special sessions of the court of Quarter Sessions of the Peace for the purpose of selecting new jury lists for the county Peterborough, for the year one thousand eight hundred and sixty-three, in lieu and stead of the jury lists selected for the united counties of Peterborough and Victoria, under the provisions of the thirty-first chapter of the Consolidated Statutes for Upper Canada, intituled : *An Act respecting Jurors and Juries*, and the several provisions and clauses of the last mentioned Act,

Governor may by warrant fix a day for making new Jury lists for Peterborough for 1863.

relative

Proviso :  
What Juror's  
books only  
shall be used.

relative to the sessions of such court in presence of which the selecting of such jury lists are by the said Act directed to be done, shall extend and apply to and be in force with respect to any such special sessions ; provided that at any such special sessions, such part only of the jurors' books of the late united counties of Peterborough and Victoria, prepared by the Clerk of the Peace of the said late united counties in pursuance of the last mentioned Act, for the year one thousand eight hundred and sixty-three, shall be used, as shall apply to and contain the names of persons resident in the county of Peterborough.

Public Act.

7. This Act shall be deemed and taken to be a Public Act.

## C A P . X I .

An Act to legalize and make valid the By-Law Number seven of the Provisional Council of the County of Renfrew, and the debentures issued thereunder.

[Assented to 5th May, 1863.]

Preamble.

**W**HEREAS it is represented by the petition of certain rate-payers of the County of Renfrew, that a by-law was passed by the Provisional Council of the County of Renfrew, bearing date the thirteenth day of March, in the year of our Lord, one thousand eight hundred and sixty-two, authorizing the said Council to raise by way of loan the sum of twenty-thousand dollars, for the construction of the County buildings ; that in conformity with the said by-law, debentures were issued in the month of June following to the amount of twenty thousand dollars, and were immediately thereafter delivered by the Warden of the County to the Manager of the Quebec Bank, at Ottawa, with instructions to dispose of the said debentures and apply the proceeds in reduction of the funds advanced by that Bank to the contractors for the construction of the said County buildings, through their sureties, William O'Meara and George Bryson, of Portage du Fort, Esquires, and certain other parties ; that after the sum of seventeen thousand and five hundred dollars, or thereabouts, had been advanced and expended on the said buildings, the said by-law was held in a suit in the Court of Chancery to be void, on the ground that the annual rate to be levied for the redemption of the said debentures was based on the assessment made in the year one thousand eight hundred and sixty, instead of the year one thousand eight hundred and sixty-one, and also on account of the debentures bearing eight per cent interest ; and, whereas, the difference in the assessment of those respective years will not materially affect the amount to be raised annually for paying off the said debentures ; and, whereas, it does not appear that any objection was raised to the said by-law during its publication, or at the time of its passing the Council, nor to the said debentures,

debentures, till after they were issued; and, whereas, the amount laid out on the County Buildings may be wholly lost to the parties who have made advances on the faith of the said debentures, unless the same are legalized, and the Petitioners have therefore prayed that an Act may be passed to legalize and make valid the said by-law and debentures, and to compel the proceeds arising therefrom to be applied to the purposes for which the same were intended to be applied by the said by-law; and, whereas, it is desirable 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:

1. The By-Law number seven of the Provisional Council or Corporation of the County of Renfrew, to raise by way of loan the sum of twenty thousand dollars, for the erection of a gaol, court-house, registry office, and such other public buildings as might be necessary for the transaction of municipal, judicial, and other business of the County of Renfrew, and also the debentures issued thereunder, shall be and are hereby made and declared to be legal and valid, to and for all intents and purposes whatsoever, and shall have effect as if they had originally been so, and the proceeds of such debentures shall be applied to the purposes for which the same were intended by the said by-law; And it shall be lawful for the contractors to demand and recover the fair value of the work done on the said buildings and materials provided, up till the time the said works were stopped; provided such sum does not exceed the proceeds of the debentures hereby legalized.

By-law No. 7 confirmed and debentures under it made valid.

Contractors may recover fair value of work done.

2. The Provisional Corporation of the said County shall indemnify the Plaintiffs in the said suit for, and in respect of, and pay to them all costs, charges and expenses incurred by them respectively, in, about or in relation to the said suit, to be taxed by the proper officer of the said Court of Chancery.

Provincial corporation to indemnify certain parties for costs of suit.

3. The said suit shall not be further proceeded with after the passing of this Act, unless the parties attempt to proceed with the buildings; but nothing in this Act contained shall be construed to render valid the contract or alleged contract for the said buildings, nor to affect any question as to the validity or invalidity thereof.

Suit to be stayed.

Proviso.

4. This Act shall be deemed a public Act.

Public Act.

## C A P. XII.

An Act to legalize the investment of certain Clergy Reserve moneys, and an investment with the Port Bruce Harbour Company, by the Corporation of the Township of Malahide.

[Assented to 5th May, 1863.]

Preamble.

**W**HEREAS the Corporation of the Township of Malahide have, by their petition, represented, that they have heretofore made a certain investment of moneys apportioned to them from the Upper Canada Municipalities Fund, and a certain investment with the Port Bruce Harbour Company, and have prayed that the said investments be declared valid, 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, enacted as follows:

Certain invest-  
ments by the  
township  
corporation  
declared valid.

1. All investments heretofore made by the Corporation of the Township of Malahide of Clergy Reserve moneys apportioned to the said Corporation from the Upper Canada Municipalities Fund, and secured by Mortgage, as also an investment by that Corporation with the Port Bruce Harbour Company, likewise secured by mortgage, are hereby declared to be valid to the same extent as if the said Corporation had been authorized by law to make such investments.

Power to  
enforce by  
foreclosure,  
&c., and  
powers in cases  
of such fore-  
closure.

2. The Corporation of the Township of Malahide may enforce the payment of any mortgage made to the Municipality or Corporation of the said Township as security for any such investment as aforesaid, in any Court of Law or Equity, by action, suit, or foreclosure, as the Corporation may deem expedient; and in case of foreclosure of any such mortgage, may hold the property mortgaged, and may sell, lease or otherwise dispose of the same; and may convey the same in one lot, or in one or more lots or portions to any person or persons willing to purchase the same, and may apply the rents or moneys arising from any such lease or sale, in like manner as if the said property were such as the Corporation is now by law empowered to acquire, hold and dispose of.

Proceedings  
against Port  
Bruce Harbour  
Company  
declared valid.

3. All proceedings taken before the passing of this Act by the said Corporation to foreclose a certain mortgage bearing date the third day of December, one thousand eight hundred and fifty-eight, and made between the aforesaid Port Bruce Harbour Company of the one part, and the said Corporation or Municipality of the other part, securing the sum of two thousand pounds, and all proceedings hereafter to be taken to foreclose the same, shall be as valid and effectual as if the said Corporation had been authorized by law to make the investment with the said Harbour Company; and after the foreclosure of the said Mortgage from the said Harbour Company, the Corporation of the

Powers of  
corporation

the

the said Township may hold, use, occupy, and enjoy the lands, harbour, piers, premises and tenements comprised in the said mortgage, with the appurtenances thereto belonging, and levy and collect the dues and harbour tolls now authorized by law to be collected thereat, as fully and freely as the said Harbour Company could have done, with all the rights, powers and privileges theretofore existing in the said Harbour Company, and may lease or sell and convey the same in one lot or otherwise, and for cash or on credit, or part cash and part credit, and upon such terms as to the Corporation of the said Township may seem most advantageous, and may apply the rents or moneys arising from such dues and tolls, or from such lease or leases, sale or sales, in such manner as the said Municipality may, by By-Law from time to time duly passed, order, direct or appoint, provided such application be consistent with the provisions of the Municipal Law.

after foreclosure of mortgage for said company.

4. This Act shall be deemed a Public Act.

Public Act.

### C A P . X I I I .

An Act to exempt the Town of Niagara and the Townships of Gainsborough and Caistor, in the County of Lincoln, from all taxation arising out of the assumption by the Corporation of the said County of the Queenston and Grimsby Road.

[Assented to 5th May, 1863.]

**W**HEREAS the Queenston and Grimsby Road has been assumed by the Corporation of the County of Lincoln as a County Work, after the Road had been for some years purchased and owned by a Joint Stock Company formed of the Municipalities through which the said road passes—that is to say, the Townships of Niagara and Grantham, the town of St. Catharines, and the Townships of Louth, Clinton and Grimsby,—such Company engaging to pay all liabilities and expenses connected with the construction and maintenance of the said road, there being a large amount of indebtedness thereupon; and whereas it would be very unjust that any portion of the said indebtedness and maintenance should be imposed upon the Town of Niagara and the Townships of Gainsborough and Caistor; and the said Corporation of the County of Lincoln has petitioned for an Act to relieve the said last mentioned Town and Townships therefrom, 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. For any liability or expenditure connected with the assumption by the Corporation of the County of Lincoln of the Queenston

The said townships not to be

taxed for expenditure arising out of such assumption of the road.

Queenston and Grimsby Road as a County work, the said Corporation shall assess or tax the Townships of Niagara, Grantham, Louth, Clinton and Grimsby, and the town of St. Catharines only, and shall not for any such purpose impose any such assessment or tax upon either the Town of Niagara or the Townships of Gainsborough and Caistor in the said County, nor shall any such liability or expenditure be in any way chargeable upon or borne by the said Town and Townships last mentioned.

Public Act.

2. This Act shall be deemed a Public Act.

#### C A P. X I V .

An Act to declare the mode in which the side lines of certain Lots in the Township of Fitzroy, in the County of Carleton, shall be run.

[Assented to 5th May, 1863.]

Preamble.

**W**HEREAS, by the Petition of certain inhabitants of the Township of Fitzroy, in the County of Carleton, it appears that great inconvenience has resulted from the running of certain side lines of and division lines between the lots parallel to the governing lines of the township, as required by the Act hereinafter mentioned; And whereas the said inhabitants have prayed that such side and division lines may be drawn from post to post, without regard to the course of the governing lines of the township; And it is expedient, under the circumstances aforesaid, 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:

Side lines in Fitzroy to be drawn from post to post notwithstanding Con. Stat. Can., C. 77.

1. For and notwithstanding anything to the contrary in the seventy-first, seventy-second, seventy-third, seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh, seventy-eighth, seventy-ninth and eightieth sections of the Act respecting land surveyors and the survey of lands, being chapter seventy-seven of the Consolidated Statutes of Canada, or any other Act or law, all the side lines of and division lines between lots throughout that part of the said Township of Fitzroy, consisting of the lots numbered from one to fifteen, both inclusive, in each of the seventh, eighth, ninth, tenth, eleventh and twelfth concessions of the said township, have been, are, and shall be straight lines, drawn or to be drawn from the posts planted in the original survey thereof to define the angles of the lots in that part of the said township on one side of each of such concessions, to the posts planted to define the corresponding angles of the same lots respectively on the other side of the same concession; and any line so drawn shall be deemed to have been and to be the true side line or division line, as the case may be, of the lots between which it shall be drawn, subject, nevertheless, to the

Subject to certain provisions of the said Act when

the provisions of the said Act relative to the breadth of lots and the mode of ascertaining such breadth where the original posts or monuments cannot be found ; which provisions shall in any such case apply equally to the post or boundaries at both sides of the concession ; Provided, that in case any party should, by reason of this Act, suffer any injury or damage, such party shall be compensated by the party or parties benefited by such change ; the compensation so to be paid and the persons to pay and receive the same shall be ascertained by a sworn surveyor appointed by the Commissioner of Crown Lands, and his decision, when approved of by the Commissioner of Crown Lands, shall be final, and may be enforced by action or suit in any court of law or equity of competent jurisdiction.

the post cannot be found.

Proviso: compensation to be paid by parties benefited to parties losing by this Act.

2. This Act shall be deemed a Public Act.

Public Act.

### C A P. X V.

An Act to enable the Great Western Railway Company to connect the Oil Springs in the Township of Enniskillen by a Branch Railway, and further to amend their Acts of Incorporation.

[Assented to 5th May, 1863.]

**W**HEREAS the Great Western Railway Company have petitioned the Legislature for authority to construct a Branch Railway connecting the Oil Springs in the Township of Enniskillen with their main line of Railway, or Sarnia Branch, or both, and also to have certain amendments made to their Acts 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 Great Western Railway Company shall have full power, and they are hereby authorized to make and construct, to work and use a Branch Railway, from some point to be selected as hereinafter provided, at or near the Village of Oil Springs, in the Township of Enniskillen, to any point on their main line of Railway, and all the privileges, powers, rights or incidents vested in or appertaining to the said Company, with regard to the Great Western Railway and all the duties, liabilities and obligations imposed and existing upon them, for which the same is liable by the Act incorporating the said company, and the Acts amending the same, and all the provisions of the said Acts, and of this Act, which are susceptible of such extension, shall extend and apply to, and be in force with regard to such Branch Railway as fully and effectually as to the said Great Western Railway to all intents and purposes, and the Acts shall be construed, extend to and have effect as if the said Branch Railway had been mentioned and described in

Great Western Railway Company may make a Branch to the village of Oil Springs.

Powers under former Acts to apply to such Branch.

in the said Act of incorporation as part of the Railway and works which the said company were thereby empowered to construct.

Such Branch may be used by the Grand Trunk or the Oil Springs Road Company, if either of them make the Branch from the Grand Trunk Railway to Oil Springs: how the conditions of such use shall be determined.

2. If the Oil Springs Road Company, or the Grand Trunk Railway Company of Canada, acting under the powers contained in the Act of the Provincial Parliament incorporating the Oil Springs Road Company, do, within four years from the passing of this Act, build their line from some point on the line of the Grand Trunk Railway between Sarnia and St. Mary's to a point at or near the Village of Oil Springs, in the Township of Enniskillen, then the Oil Springs Road Company or the Grand Trunk Railway Company using the powers contained in the Act incorporating the Oil Springs Road Company as aforesaid, shall have the right to use the said Branch authorized to be constructed by this Act, from some point on the main line of the Great Western Railway to the Village of Oil Springs, or any part thereof, with their engines, carriages and waggons for the purpose of traffic of all kinds, and to use the stations, watering places, works and conveniences connected therewith, upon such terms and conditions and upon the payment of such tolls as may be agreed upon between the Great Western Railway Company, and the said Oil Springs Road Company or the Grand Trunk Railway Company exercising the powers of the Oil Springs Road Company, as the case may be, or failing such agreement upon such terms and conditions and upon the payment of such tolls as shall be fixed by arbitration in the manner hereinafter provided.

In the said case, the G W Railway may use the Branch so made: and how the condition of such use shall be determined.

3. If the Great Western Railway Company build their line from some point on their main line to a point at or near the Village of Oil Springs, as hereinbefore provided, then the Great Western Railway Company shall have the right to use the said branch, in the next preceding clause mentioned, from some point on the Grand Trunk Railway between Sarnia and St. Mary's, or any part thereof, with their engines, carriages and waggons for the purposes of traffic of all kinds, and to use the stations, watering places, works and conveniences connected therewith, upon such terms and conditions, and upon the payment of such tolls as may be agreed upon between the Great Western Railway Company, and the Oil Springs Road Company, or the Grand Trunk Railway Company exercising the powers of the Oil Springs Road Company, as aforesaid, as the case may be, or failing such agreement upon such terms and conditions, and upon the payment of such tolls as shall be fixed by Arbitration in the manner hereinafter provided.

The Companies may use a certain Station in common.

4. The Great Western Railway Company, and the Oil Springs Road Company, or the Grand Trunk Railway Company, as the case may be, may, at or near the said Village of Oil Springs, use the same station in common; and their lines of rails, crossings, switches and sidings, shall be so laid down

as to afford every needful facility for working the traffic from one line to the other, the site for the junction, and the terms upon which the same may be used, to be agreed upon between the parties, or in case of disagreement to be fixed by arbitrators in the manner hereinafter provided.

5. If the Great Western Railway Company and the Oil Springs Road Company, or the Grand Trunk Railway Company, as the case may be, shall be unable to agree upon any of the foregoing matters in which it is provided that arbitration shall be resorted to in case of disagreement, then the Great Western Railway Company shall choose one disinterested person as arbitrator, on their behalf, and the Oil Springs Road Company or the Grand Trunk Railway Company, as the case may be, shall name another such person on their behalf, and these two shall choose a third, who shall likewise be a disinterested person, and the award of the said three arbitrators or of any two of them shall be binding on both parties to the said submission.

Arbitration in case the Companies cannot agree on the terms of the said uses.

6. In proceeding to arbitration, either of the parties in the preceding section mentioned may give to the other party notice in writing, naming the arbitrator of the party desiring such arbitration, and requiring the other party to name an arbitrator on behalf of the party so served as aforesaid, and setting out the matters upon which arbitration is required, and thereupon, within thirty days after the service of such notice upon the party so required to name an arbitrator as aforesaid, such party shall name their arbitrator, and shall give notice thereof in writing to the party requiring the said arbitration; and the said two arbitrators shall, within ten days after the service of the said last mentioned notice, meet and choose a third arbitrator, and the said three arbitrators, or in case any one of them refuses or fails to act, any two of them shall, in writing, appoint a time and place of meeting to hear and determine the said matters so in dispute, and respecting which the parties cannot agree, as aforesaid, of which meeting both parties to the said reference, and in case the appointment is made by two of the arbitrators, the arbitrator who may not have joined in making such appointment, shall have at least ten days notice in writing, and thereupon at the time and place so named and fixed, the said three arbitrators, or any two of them, shall proceed to hear the said parties, and shall determine the matter or matters so submitted as aforesaid, and such award so made by the said three arbitrators, or any two of them, shall be binding on both parties.

Proceedings in arbitration.

Notice of meetings of arbitrators, &c.

7. The said notices and proceedings, up to the meeting of the said Arbitrators, shall be a submission between the said parties, and as such may be made a rule of any of Her Majesty's Superior Courts for Upper Canada, at Toronto.

Proceedings to constitute a submission.

Award to extend only to five years from its date; Provision for time previously elapsed.

8. Any such award so made, save only as to the point of junction of the said two branch railways, if that be a matter so referred, shall only extend to the period of five years from the date thereof; but for such time as any powers mentioned in the said award may have been exercised before the making of such award in consequence of the time required to bring about the arbitration, the said award shall be taken as fixing the tolls to be paid for the exercise of the said powers up to the date of the said award.

New arbitration after end of the said five years if the Companies cannot agree: and so on.

9. At the expiration of the said five years, if the said Great Western Railway Company, and the said the Oil Springs Road Company, or the Grand Trunk Railway Company, as the case may be, cannot agree upon the terms and conditions upon which the powers mentioned in the second and third and fourth sections, or either of them, shall be exercised, and the tolls to be paid therefor, then the said parties shall proceed to fix such terms and conditions and tolls by arbitration, in the manner above provided, and so on from time to time, for the period of five years only, at any one time, so long as the said powers are required; and until such new award shall be made, the award preceding it shall be the rule and guide between the parties.

Facilities to be afforded to G. W. Railway Co. for making Branch.

10. The Oil Springs Road Company, or the Grand Trunk Railway Company, as the case may be, shall afford the Great Western Railway Company the facilities necessary to enable them to form a connection at the point of crossing their Sarnia Branch.

If the other Companies use the Branch they must observe regulation of G. W. R. Company.

11. If the Oil Springs Road Company, or the Grand Trunk Railway Company, as the case may be, shall exercise the powers above mentioned for using their engines, carriages and waggons on the said Branch Railway of the Great Western Railway Company, they shall in all respects conform to, obey and observe the rules and regulations of the Great Western Railway Company for working their traffic over the said Branch Railway, every facility being afforded to the Oil Springs Road Company or to the Grand Trunk Railway Company, as the case may be, for the carrying of their traffic on the said Branch.

If the other companies do not build their branch within four years,—their right to be forfeited and G. W. R. company may make it.

12. If the Oil Springs Road Company or the Grand Trunk Railway Company exercising the powers of the said Oil Springs Road Company, as the case may be, do not build and complete the said Branch between the main line of the Grand Trunk Railway and the said Village of Oil Springs, within four years from the passing of this Act, the Oil Springs Road Company and the Grand Trunk Railway Company shall forfeit the right to build the said line authorized by the Act incorporating the Oil Springs Road Company, and the Great Western Railway Company shall have full power to build and construct such Branch line from Oil Springs to the Grand Trunk Railway, or such portion thereof as they may desire, under the same powers.

powers and provisions as though the same had been authorized to be constructed by them under this Act, and to enjoy the same as well as the Branch by them firstly constructed, freed from any right of the Oil Springs Road Company or Grand Trunk Railway Company to use the same.

**13.** If the Great Western Railway Company do not build the said Branch between their main line and said village of Oil Springs within four years from the passing of this Act, they, the Great Western Railway Company, shall forfeit the right to build their said Branch, and all powers given them in the said Act of Incorporation of the Oil Springs Road Company, and contained in the second and third sections of this Act, and the Oil Springs Road Company, or the Grand Trunk Railway Company of Canada, exercising the powers given them in the said Act of Incorporation of the Oil Springs Road Company, may, and are hereby authorized to construct the said Branch authorized by this Act, or such part thereof as they may think proper; and in such case all the powers contained in the said Act incorporating the Oil Springs Road Company shall apply to such extension.

If the G. W. R. company do not make their branch within 4 years their right to be forfeited and the other companies may make such branch.

**14.** As the consent of all parties interested has been obtained, if the said line of Railway should be built from the village of Oil Springs towards the Grand Trunk Railway, and intersect or join the Sarnia Branch at Wanstead, and be so located there as aforesaid, the portion of the street laid out in the plan and survey of the village of Wanstead, known as Essex street, lying to the southward of the Northern line of the Sarnia Branch of the Great Western Railway, shall cease to be a public highway, and the portions thereof lying within the lands of the Great Western Railway Company shall from thenceforth be vested in that Company in fee simple, freed from any public or private easement over the same; and also the right reserved by Henry C. R. Becher, Esquire, in and under an Indenture made on the twelfth day of February, one thousand eight hundred and fifty-nine, whereby certain lands were conveyed to the Great Western Railway Company to open at any future time another street or highway across the said Railway over the lands thereby conveyed, shall no longer exist, and the said Railway Company shall henceforth hold the same freed from any public or private easement over the same.

Right reserved by C. R. Becher, &c., in certain lands conveyed to the company, to cease.

**15.** The Branch Railway authorized to be built by the first section shall not be open for traffic until the first day of March, one thousand eight hundred and sixty-five.

Branch not to be opened for certain time.

**16.** The office of the Company in London, England, shall be a principal office concurrently with that at Hamilton, in Canada.

Principal offices of company.

General meetings of the company may be held in England or in Canada.

Notice thereof.

Special meetings.

**17.** General Meetings of the Company, whether ordinary or special, may be held in London, England, and two ordinary General Meetings of the Company shall be held, one in April and the other in October in each year; either in Canada or in England; at the October meeting or at any adjournment thereof, the election of Directors and Auditors shall take place; and advertisements of all General Meetings shall be published in at least two London Daily Morning Newspapers, and in the *Canada Gazette*, twenty-eight days at least before the holding of such meetings respectively; and in the case of Special General Meetings, in the advertisements convening the same, the objects for which they are called, and the business to be transacted thereat shall be stated, and such advertisements shall be sufficient for the due convening of all General Meetings without further or other notice.

Directors may meet in either country.

**18.** The Meetings of the Directors shall, after the passing of this Act, be held in England or in Canada, or in both, as the Directors shall, from time to time, by minute, determine.

Certain enactments inconsistent with this act repealed.

4 W. 4. c. 29.

§ V. c. 86.

9 V. c. 81.

18 V. c. 176.

**19.** So much of the twelfth section of the Act passed in the late Parliament of Upper Canada in the fourth year of the Reign of His late Majesty King William the Fourth, intituled: *An Act to incorporate certain persons under the style and title of the London and Gore Railroad Company*, and so much of the fifth section of the Act passed in the eighth year of the Reign of Her Majesty Queen Victoria, intituled: *An Act to revive certain provisions of the Act incorporating the Great Western Railroad Company and to enable them to carry on that work*, as provides for the period of Election of Directors and of the public notice to be published of such election and meeting of Shareholders—and the whole of the thirty-second section of the Act passed in the ninth year of the Reign of Her Majesty Queen Victoria, intituled: *An Act to alter and amend the charter of the Great Western Railroad Company*, and so much of the fourth section of the Act passed in the eighteenth year of the Reign of Her Majesty Queen Victoria, intituled: *An Act to enable the Great Western Railway Company to construct a Branch Railway to the Town of Brantford, and for other purposes therein mentioned*, as provides for the time at which the half-yearly General Meetings thereby enacted shall be held, and the notice to be published thereof, and so much of the eighteenth section of the Act last above mentioned as provides for the time of the Annual Election of Directors and Auditors, and so much of the nineteenth section of the last mentioned Act as provides for the notice to be given of the Special General Meetings, shall be and the same is hereby repealed.

Repeal not to revive repealed provisions, &c.

**20.** The repeal of the parts of the Acts in the foregoing section shall not revive any Act or provision of law repealed by them, nor shall the said repeal prevent the application of any

any of the said parts of Acts to any transaction, matter or thing, anterior to the said repeal, to which they would otherwise apply.

**21.** The Shareholders of the said Corporation who, at the time this Act shall come into force, shall be Directors and Auditors thereof shall be and continue to be Directors and Auditors thereof until the first Election of Directors and Auditors under this Act, and shall then go out of office; and the said Directors and Auditors shall, until the first Election under this Act, at which they shall be eligible for re-election, have in all respects the respective rights, duties and powers, assigned to the Directors and Auditors of the said Corporation by its various Acts of Incorporation, and shall be governed by their provisions, as if elected under this Act.

Present directors and auditors continued until next election.

**22.** If at any time it shall happen that an election of Directors shall not be made or take effect at the meeting of Shareholders on the day fixed for the same, or at any adjournment thereof, the said corporation shall not be deemed or taken to be thereby dissolved, but the Directors shall cause an election to be held at a general meeting of the Shareholders to be called for that purpose, within forty days after the day appointed or to which the meeting on the day appointed has been adjourned; and the Directors in office, when such failure of election shall take place, shall remain in office until such election shall be made.

Failure of election provided against.

**23.** And whereas, by the twelfth section of the Act passed in the late Parliament of Upper Canada, in the fourth year of the Reign of His late Majesty King William the Fourth, intitled: *An Act to incorporate certain persons under the style and title of "The London and Gore Railroad Company,"* it is provided, that no person shall be capable of being a Director unless he be a stockholder to the amount of at least ten shares; be it enacted, that on and after the first election of Directors provided under this Act, each Director shall be required to be possessed of at least twenty-five shares; Provided that this section shall not come into force unless adopted by a vote of the shareholders voting in person at a general meeting of the shareholders specially called for that purpose.

Recital.

4 W. 4. c. 29.

Qualification of directors.

Proviso.

**24.** And whereas, by the thirteenth section of the Act in the next preceding section cited, it is provided that each stockholder shall have held any share in his name at least one month prior to the time of voting, be it enacted, that such month shall be reckoned from the day on which the said vote, either in person or by proxy, shall be actually cast.

Recital.

Computation to time as to proxies.

**25.** This Act shall be deemed a Public Act.

Public Act.

## C A P. X V I.

An Act to amend the Act passed in the twenty-third year of the reign of Her Majesty, relating to the Hamilton and Port Dover Railway Company.

[Assented to 5th May, 1863.]

Preamble.

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

Provision in case the Buffalo and Lake Huron Railway Co. purchase or lease the Hamilton and Port Dover Railway.

Consent of shareholders required to such purchase or lease.

Proviso: as to debt.

Transfer of powers in such case.

Power to the B. and L. H. company in such case to raise additional capital.

1. In the event of the Buffalo and Lake Huron Railway Company leasing or purchasing the Hamilton and Port Dover Railway, it shall not be incumbent on the said Buffalo and Lake Huron Railway Company to construct or complete or work the line of the said Hamilton and Port Dover Railway, except between the waters of Burlington Bay in the City of Hamilton, and in the Village of Caledonia, unless and until the said Buffalo and Lake Huron Railway Company shall, from time to time, see fit; but no such purchasing or leasing shall be valid and binding until sanctioned by a resolution passed by a two thirds majority of the votes at any meeting of the Shareholders of the Buffalo and Lake Huron Railway Company, and the Hamilton and Port Dover Railway Company, respectively convened and voting in pursuance of the several Acts relating to the said Companies, respectively; Provided always, that the interest on the whole present bonded debt of the Buffalo and Lake Huron Railway Company shall continue to be a charge on the said Buffalo and Lake Huron Railway, according to its present priority or preference before the payment of the working expenses of the said Hamilton and Port Dover Railway.

2. If the said Buffalo and Lake Huron Railway Company shall purchase or lease the Hamilton and Port Dover Railway, the said Buffalo and Lake Huron Railway Company shall have in respect of the said Hamilton and Port Dover Railway, but nevertheless subject to the provisions of this Act, all the powers and authorities vested in and belonging to the said Hamilton and Port Dover Railway Company, by the Act incorporating the same and the several Acts amending such Act.

3. The said Buffalo and Lake Huron Railway Company may, from time to time, raise in addition to the capital authorized to be raised by them under their Charter of Incorporation, an amount of capital sufficient for leasing or purchasing, and for effectually completing, equipping and working the said Hamilton and Port Dover Railway, or such part of the said Railway, as it shall, from time to time, determine to complete, equip and work as aforesaid, not exceeding in the whole one million

million of dollars, and such capital so to be raised may either be by stock or bonds, or partly by stock and partly by bonds; and may either be a capital separate and distinct from the capital of the said Buffalo and Lake Huron Railway Company, or it may form part of such capital as may be from time to time determined by By-laws of the said Buffalo and Lake Huron Railway Company, made respectively at or previous to the raising or issuing of each issue of the said capital so to be raised under this Act; and the said Buffalo and Lake Huron Railway Company shall have power and authority by the same By-laws to regulate and settle the order of preference in which the said capital raised under this Act shall stand and be paid, the funds, or income and property, out of and upon which the same and the dividends thereof shall be paid and attach, and generally to regulate all matters connected with such capital, and the preference or priority thereof and the raising and paying of the same and the interest and the dividends thereof, and also of all matters relating to the said railway and the management and working thereof; provided always, that such priority or preference shall not affect the position of any already existing bond or mortgage security of the Company.

How such capital may be dealt with.

By-laws touching the same.

Proviso.

4. In the event of the said Buffalo and Lake Huron Railway Company purchasing the Hamilton and Port Dover Railway, the Corporation of the City of Hamilton and the Corporation of the Village of Caledonia may respectively surrender or transfer to the Buffalo and Lake Huron Railway Company, the whole or any portion of the capital stock in the Hamilton and Port Dover Railway Company, now held by them, the two several Corporations, respectively, upon the said Buffalo and Lake Huron Railway Company undertaking and guaranteeing the completion, within two years from the passing of this Act, of the said Hamilton and Port Dover Railway between the waters of Burlington Bay in the City of Hamilton and the Village of Caledonia, aforesaid, and any such transfer or transfers made heretofore is and are hereby legalized; provided always, that if the said Railway between the points aforesaid be not completed so as to be open for traffic within two years, next after the passing of this Act, the transfers of the stock made by the City of Hamilton and the Village of Caledonia, shall be void, and the rights possessed by them respectively before such transfers shall revert to them to the same extent as they respectively possessed the same before such transfers.

In case of such purchase city of Hamilton and village of Caledonia may surrender or transfer their stock in Hamilton and Port Dover Railway.

Proviso :  
Railway to be opened by a certain time.

5. The Mayor of the City of Hamilton, for the time being, shall, in consideration of the transfer of the stock of the said City be *ex officio* a Director of the said Buffalo and Lake Huron Railway Company, and, as such, entitled to take part in all matters brought before the Board of Directors of the said Company in connexion with the Hamilton and Port Dover Railway, so acquired; but shall not be entitled to be present at

Mayor of Hamilton to be *ex officio* Director in such case.

at any meeting or take part in any matter relating exclusively to other portions of the said Buffalo and Lake Huron Railway.

B. and L. H. company may sell surplus lands, &c.

6. The Buffalo and Lake Huron Railway Company may sell, exchange or dispose of any surplus lands or other property now vested in them, or which may be acquired under this Act, not forming part of or required for the purposes of their Railway or the said Hamilton and Port Dover Railway.

Railway act incorporated with this act.

7. The Act relating to Railways is incorporated with and forms part of this Act, except in so far as the same may be inconsistent with or qualified by the express provisions of this Act.

Public Act.

8. This Act shall be deemed a Public Act.

## C A P . X V I I .

An Act to amend the Act incorporating the Buffalo and Lake Huron Railway Company.

[Assented to 5th May, 1863.]

Preamble.

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

Part of 13, 14 V. c. 21, repealed, and new provisions substituted.

1. From and after the passing of this Act, the thirteenth and fourteenth sections of nineteenth Victoria, chapter twenty-one, shall stand repealed, and in lieu thereof shall be substituted respectively the following sections :--

Duplicates of certain documents to be kept in United Kingdom.

XIII. Duplicates of all registers and debentures of the Company and of the lists of the shareholders thereof or of the stock register which shall at any time be kept at the principal office of the said Company in this Province (such duplicates being authenticated by the Secretary or principal officer of the Company in this Province) may be transmitted to and kept at the office of the said Company in the United Kingdom of Great Britain and Ireland, which office may be kept and opened in any part of the said United Kingdom.

Provision when transfers of stock are made in United Kingdom.

XIV. Whenever any transfer shall be made in England or other part of Great Britain or Ireland of any share or stock of the said Company, the delivery of such transfer duly executed, to the Secretary or other officer of the said Company for the time being, authorized by the said Company to receive such transfer at the said office in the United Kingdom, shall be sufficient to constitute the transferee or transferees a shareholder or shareholders in the said Company, in respect of the share or stock so transferred ; and such Secretary or other officer as aforesaid

aforesaid shall transmit an accurate list of all such transfers to the Secretary or other principal officer of the said Company in this Province, who shall thereupon make the requisite entries respecting such transfer in the register kept in this Province; and the Directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares or stock, as well in this Province as elsewhere, and as to the closing of the register of transfer for the purpose of dividend, as they may find expedient; and all such regulations, not being inconsistent with the provisions of the Railway Consolidation Act as altered or modified by this Act, shall be valid and binding.

Regulations  
may be made.

2. It shall be lawful for the said Company to increase its capital by One Million Pounds currency, and such increased capital may be raised either by stock or bonds of the said Company, or partly by stock and partly by bonds, as may from time to time be determined by By-Laws or Resolutions of the Board of Directors of the said Company, made or passed respectively, previous to the raising or issuing of each issue of the said increased capital, and sanctioned and approved by two-thirds at least of the votes of the shareholders present in person or by proxy, at a general meeting of the shareholders, convened with special notice of such intended increase, or at any special meeting called for the purpose of sanctioning such increase; and the Board of Directors of the said Company shall have power and authority by the same By-Laws or Resolutions, sanctioned and approved as aforesaid, to regulate and settle the order of preference in which the said increased capital shall stand and be paid, the funds or income out of and upon which the same and the dividends thereof shall be paid and attach, and generally to regulate all matters connected with such capital and the preference or priority thereof, and the raising or paying of the same and the interest and dividends thereof; Provided always, that such priority or preference shall not affect the position of any already existing bond or mortgage security of the Company.

Capital of company may be increased to £1,000,000, by By-law approved by stockholders.

By-law may regulate preference as to dividends on such capital, &c.

Proviso.

## C A P . X V I I I .

An Act to incorporate the Oil Springs Road Company.

[Assented to 5th May, 1863.]

**W**HEREAS the Honorable Donald McDonald, George Desbarats, Esquire, John Crawford, Esquire, the Honorable George William Allan, the Honorable William McMaster, the Honorable John Ross, and others, have petitioned that an Act may be passed, authorizing the construction of a Railway from the Village of Oil Springs, in the Township of Enniskillen, in the County of Lambton, to some point on the Grand Trunk Railway of Canada, as may be considered most

Preamble.

most

most convenient for that purpose; and whereas a Railway so constructed would manifestly tend to open an extensive tract of fertile land, and also afford greater facilities for the development of the Petroleum Oil trade: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

## Incorporation.

1. The Honorable Donald McDonald, George Desbarats, Esquire, John Crawford, Esquire, the Honorable George William Allan, the Honorable William McMaster, the Honorable John Ross, the Honorable Sidney Smith, the Honorable John Beverley Robinson, the Honorable John McMurrich, with such other person or 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 Oil Springs Road Company."

## Corporate name.

## Certain clauses of Railway act to apply to the company.

2. The several clauses of the Railway Act, with respect to the fourth, fifth and sixth clauses thereof, and also the several clauses of said Act with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "directors, their election and duties," "shares and their transfer," "municipalities," "shareholders," "working of the railway," "penal clauses," "actions for indemnity, and fines and penalties and their prosecution," and "general provisions," shall be incorporated in this Act, and shall accordingly apply to the said Company and the said Railway, except only in so far as may be otherwise provided in this Act, and as this Act may be inconsistent therewith; and the expression "this Act" when used herein shall be understood to include the provisions of the "Railway Act," which are incorporated with this Act, as aforesaid, except where inconsistent with any provision in this Act.

## Line of Railway.

3. The said Company and their servants and agents shall have full power, under this Act, to lay out, construct and complete a Railway between a point to be selected as hereinafter provided at or near the village of Oil Springs, in the township of Enniskillen, in the county of Lambton, and such point on the line of the Grand Trunk Railway of Canada as may be considered most convenient, with full power to pass over any portion of the Counties of Lambton, Huron and Perth, or either and any of them, and to intersect and unite with the Grand Trunk Railway at any convenient point westerly of the village of St. Mary's, under the provisions of the statutes in such case made and provided.

## Conveyances to the company.

4. Deeds and conveyances, under this Act, for the lands to be conveyed to the said Company for the purposes of this Act, shall

shall and may, as far as the title to the said lands or circumstances of the parties making such conveyance will admit, be made in the form given in the schedule to this Act, marked A ; and all Registrars are hereby required to register in their Registry books such deeds, on the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed ; the said Company are to pay the Registrar for so doing the sum of two shillings and six pence, and no more.

Registration.

5. From and after the passing of this Act the said the Honorable Donald McDonald, George Desbarats, Esquire, John Crawford, Esquire, the Honorable George William Allan, and the Honorable John Ross shall be Provisional Directors of the said Company, for carrying into effect the object and purposes of this Act.

Provisional Directors.

6. It shall and may be lawful for the Provisional Directors, for the time being, of the said Company, or a majority of them, to supply the place or places of any of their number from time to time dying or declining to act as such Provisional Director or Directors out of the several owners of stock in their said Company, to the amount of at least five hundred dollars, Provincial currency, each, during the period of their continuance in office ; and such Provisional Directors, except as hereinafter is excepted, shall be, and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and they are hereby made subject unto the like restrictions, as the elected Directors of the said Company, upon their being elected by the stockholders of the said Company, as hereinafter provided, would, under the provisions of the " Railway Act " and of this Act, become invested with or subject unto respectively.

Filling vacancies among such directors.

Powers of Provisional directors.

7. When and so soon as shares to an amount equivalent to three hundred thousand dollars, Provincial currency, in the capital stock of the said Company, be taken and subscribed for, 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 such place as may be named in said notice, 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 five of the holders of shares in the said Company, holding among them not less than an amount equivalent to one hundred thousand dollars, Provincial currency ; and provided always, that in either case public notice of the time and place of holding such meeting shall be given during one month in some one newspaper published in the town

First meeting when to be called.

Proviso: If the directors fail to call it.

Notice of meeting.

Election of Directors.

Qualification.

By-laws.

Proviso: as to ten per cent paid up.

town of Samia and in the *Canada Gazette*, and also in some one newspaper published in each of the counties through which the said Railway shall pass or be intended to pass respectively; and at such general meeting the shareholders assembled, with such proxies as shall be present, shall choose five persons to be Directors of the said Company, being each a proprietor of shares in the said Company to an amount of not less than five hundred dollars, Provincial currency, and shall also proceed to pass such rules, regulations and by-laws as shall seem to them fit, provided they be not inconsistent with this Act; 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.

Term of office of directors.

Yearly general meetings.

Special general meetings.

Powers of such meetings.

Capital of the company.

8. The Directors so elected or those appointed in their stead in case of vacancy shall remain in office until the expiration of one year from the passing of this Act, or such other day as shall be appointed by any by-law at the first general meeting of the Company; and in each and every year after the passing of this Act, and after said general meeting above named, an annual general meeting of the shareholders shall be held at the office of the Company for the time being, to choose five Directors in the room of those whose period of office shall have expired, and generally to transact the business of the Company; but if at any time it should appear to any five or more of such shareholders holding together stock to the amount of one hundred thousand dollars at least, that a special general meeting of the shareholders is necessary to be held, it shall be lawful for such shareholders holding such amount as aforesaid or more of them, to cause fifteen days notice at least to be given thereof in such newspapers as are hereinbefore provided, or in such manner as the Company shall by any by-law direct or appoint, specifying, in such notice, the time and place and 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 matter so specified only; and all such acts of the shareholders or the majority of them at such special meeting assembled (such majority not having, either as principals or proxies, less than one thousand shares,) shall be as valid, to all intents and purposes, as if the same were done at annual meetings.

9. For the purpose of making, constructing and maintaining the Railway, or other works necessary for the proper use and enjoyment of the Railway by this Act authorized to be constructed, it shall and may be lawful for the Directors of the said Company for the time being to raise in such manner by loan, subscription of stock, issuing of shares, or otherwise, as to the Directors of the said Company for the time being shall from time to time seem fit, the sum of three hundred thousand dollars,

dollars, Provincial currency ; such shares to be issued for sums of one hundred dollars, Provincial currency, each ; Provided always, that the said capital sum may from time to time, if necessary, be increased in the manner provided for by those clauses of the " Railway Act," which, in and by the second section of this Act, are incorporated with this Act.

Shares.

Proviso for increase of Capital.

**10.** It shall and may be lawful for the Directors of the said Company for the time being, to make, execute and deliver all such scrip and share certificates, and all such bonds, debentures, mortgages, or other securities as to the said Directors for the time being shall from time to time seem most expedient for raising the necessary capital, for the time being authorized to be raised by the said Company, or for raising any part thereof.

Directors may deliver scrips bonds, &amp;c.

**11.** Every proprietor of shares in the said Company shall be entitled, on every occasion when the votes of the members of the Company are to be given, to one vote for every share of one hundred dollars currency held by him.

Votes.

**12.** All bonds, debentures, and other securities, shall be executed by the President for the time being of the Company, and countersigned by the Secretary, and may be made payable to bearer ; and all such bonds, debentures or other securities of the said Company, and all dividend and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names ; Provided always, that no such Debenture shall be issued for an amount less than twenty pounds sterling, or its equivalent in Provincial Currency.

Bond, &amp;c., of the company how to be executed.

How assignable.

Proviso.

**13.** Any meeting of the Directors of the said Company, regularly summoned, at which not less than three of such Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

Quorum of Directors.

**14.** Calls may be made by the Directors of the said Company for the time being ; provided that no call to be made upon the subscribers for stock in the said Company shall exceed the sum of ten dollars per centum upon the amount subscribed for by the respective shareholders in the said Company, and that the amount of any such call shall not exceed ten dollars per centum upon the stock so subscribed ; 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 for the Provisional and other Directors of the said Company for the time being to demand and receive to and for the use of the said Company the sum of ten dollars per centum upon the amount by such person or corporation respectively subscribed, and the amount of such calls as shall have already been made payable in respect at the stock then already subscribed

Directors may call in stock.

Proviso : ten per cent may be demanded on subscribing.

subscribed at the time of such person or corporation respectively subscribing for stock.

Aliens may be stockholders and vote: and be directors.

**15.** Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said Company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as Directors in the said Company; but no shareholder shall be entitled in person or by proxy to vote at any election of Directors, or at any general or special meeting of the shareholders of the said Company who shall not have paid the aforesaid deposit of ten per centum and all calls due upon his stock at the time of such election or meeting.

Power to take materials.

**16.** Where stone, gravel, or any other materials is or are required for the construction or maintenance of said Railway, or any part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a Provincial Surveyor to make a map and description of the property so required and they shall serve a copy thereof, with their notice of arbitration on such owner; and the said Company may thereupon proceed and ascertain the compensation by arbitration, as in case of acquiring the roadway; and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the "Railway Act," as varied and modified by this Act and the several Acts amending the said Act, as to the service of said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section and to the obtaining materials as aforesaid; and such proceedings may be had by the said Company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Compensation to be made.

Arbitration if the company and any party cannot agree.

Sidings may be laid down to such materials.

**17.** Where said gravel, stone or other materials shall be taken, under the preceding section of this Act, at a distance from the line of the Railway, the Company may lay down the necessary siding and tracks over any lands which may intervene between the Railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the "Railway Act" and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the Railway to the lands on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the Company may think proper; and the powers in this and the preceding section may at all times be exercised

Certain provisions to apply.

and

and used in all respects after the Railway is constructed for the purpose of repairing and maintaining the said Railway.

**18.** It shall not be lawful for the said Company to divert permanently or change the line of any public road or highway without the consent of the municipality in which such highway or public road is situate, until they have made a plan of such deviation and submitted the same to the person performing, for the time being, the duties of the Government Inspector of Railways for his approval, a copy of which plan, signed by said Inspector, shall be deposited with the Clerk of the Peace of the County or United Counties in which said diversion is situate; and the said Company, upon obtaining such sanction and filing said plan, may divert such public road or highway in the manner shown on the said plan; and further, in every case of making a deviation, as above provided for, the Company shall have all the powers for acquiring the land necessary for the location of the new road or highway, and for any materials necessary to construct the same, and shall possess all the powers given by this Act for the acquiring of land or materials; and also the said Company, in all such cases, shall place the new road or highway as near as can be in the same state of repair as the original road so diverted may have been in at the time of such diversion; and in all such cases, if the Company require it for their Railway purposes, and in that case only, they shall have the right to take possession of and use the original highway so diverted; Provided always, and it is hereby enacted that the Company may, with the consent of any municipality in which any public road or highway is situate, take, use and occupy any public allowance for road for the purposes of said Railway, the consent of any such municipality to be given by resolution or by-law, as the Municipal Council of such municipality may determine.

On what conditions only the company may permanently change the line of any highway.

Power to make a new road.

Proviso: if the municipality consents.

**19.** If any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after such cause of action arose; and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Limitation of suits for things done under this act.

**20.** The said Company incorporated by this Act may enter into any arrangement with the Grand Trunk Railway Company of Canada for the working of the said Railway on such terms as the said two Companies may agree upon; or the said Company may lease the said Railway on such terms and conditions and for such period and at such rent as may be fixed and determined by the Directors of the said Companies.

Company may make arrangements with Grand Trunk Railway company.

**21.** And in case of any such arrangement or lease, or of any agreement being made by the said the Grand Trunk Railway Company

Power of G. T. R. Co.

under such arrangement.

Company of Canada for working the said Railway as aforesaid, the said the Grand Trunk Railway Company of Canada may and they are hereby authorized to work the said Railway in the same manner and in all respects as if incorporated with their own line ; and all the Acts and parts of Acts relating to the powers of the said the Grand Trunk Railway Company of Canada, for protecting their line and working the same, shall apply to the said Railway.

G. T. R. Co. may become stockholders ; also municipalities on the line.

**22.** The Grand Trunk Railway Company of Canada may subscribe for and become the holders of stock in the said Company, and the Managing Director for the time being may, under the authority of the direction of the said Company, subscribe for said stock and represent said stock, and vote thereon at all general and special meetings of the said Company incorporated under this Act ; and any and all municipal corporations on the line of the said Railway may, by resolution of the Municipal Council, authorize the Reeve or head of such corporation to subscribe for stock in this Company in the name of said corporation ; and the head of said corporation for the time being shall have full power to, and shall at all general and special meetings of the Company, in the name of such corporation, vote upon and represent such stock.

If the Great Western Railway Company build a certain branch, they may use a certain part of that made under this act, on conditions.

**23.** If the Great Western Railway Company, acting under the powers contained in an Act of the Provincial Parliament passed at its present session, build their line from some point on their main line to a point at or near the Village of Oil Springs, to be fixed as hereinafter provided, then, and in such case, the said the Great Western Railway Company shall have the right to use the said branch, authorized to be constructed by this Act, from some point on the Grand Trunk Railway between Sarnia and St. Mary's, or any part thereof, with their engines, carriages and waggons for the purposes of traffic of all kinds, and to use the stations, watering places, works and conveniences connected therewith, upon such terms and conditions, and upon the payment of such tolls, as may be agreed upon between the Great Western Railway Company, and the said Oil Springs Road Company, or the Grand Trunk Railway Company of Canada, exercising the powers of the Oil Springs Road Company, as the case may be, or failing such agreement upon such terms and conditions, and upon the payment of such tolls as shall be fixed by arbitration in the manner hereinafter provided.

And this company or the Grand Trunk Railway Co. may use a certain part of the branch made by the G. W. R. Company on conditions.

**24.** If the Oil Springs Road Company, or the Grand Trunk Railway Company of Canada, acting under the powers contained in this Act of the Provincial Parliament incorporating the said the Oil Springs Road Company, do, within four years from the passing of this Act, build their line from some point on the line of the Grand Trunk Railway between Sarnia and Ste. Mary's to a point at or near the village of Oil Springs, in the

the Township of Enniskillen, then the Oil Springs Road Company or the Grand Trunk Railway Company of Canada, using the powers contained in this Act, shall have the right to use the Branch authorized to be constructed from some point on the main line of the Great Western Railway to the said village of Oil Springs, or any part thereof, with their engines, carriages and waggons for the purposes of traffic of all kinds, and to use the stations, watering places, works and conveniences connected therewith, upon such terms and conditions and upon the payment of such tolls as may be agreed upon between the Great Western Railway Company and the said Oil Springs Road Company or the Grand Trunk Railway Company of Canada, exercising the powers of the said the Oil Springs Road Company, as the case may be, or failing such agreement upon such terms and conditions and upon the payment of such tolls as shall be fixed by Arbitration in the manner hereinafter provided.

**25.** The Great Western Railway Company, and the said the Oil Springs Road Company, or the Grand Trunk Railway Company, as the case may be, may, at or near said Village of Oil Springs, use the same station in common, and their lines of rails, crossings, switches and sidings shall be so laid down as to afford every needful facility for working the traffic from the one line to the other—the site for the junction, and the terms upon which the same may be used, to be agreed upon between the parties, or, in case of disagreement, to be fixed by Arbitrators, in the manner hereinafter provided.

Companies may use a certain station in common.

**26.** If the Oil Springs Road Company or the Grand Trunk Railway Company of Canada, as the case may be, and the Great Western Railway Company, shall be unable to agree upon any of the foregoing matters in which it is provided that arbitration shall be resorted to in case of disagreement, then the Great Western Railway Company shall choose one disinterested person as Arbitrator on their behalf, and the Oil Springs Road Company, or the Grand Trunk Railway Company of Canada, as the case may be, shall name another such person on their behalf, and these two shall choose a third, who shall likewise be a disinterested person, and the award of the said three Arbitrators, or of any two of them, shall be binding on both parties to said submission.

Arbitration in case the companies cannot agree.

**27.** In proceeding to arbitration, either of the parties in the preceding clause mentioned, may give to the other party notice, in writing, naming the Arbitrator of the party desiring such arbitration, and requiring the other party to name an Arbitrator on the behalf of the party so served as aforesaid, and setting out the matters upon which arbitration is required; and thereupon within thirty days after the service of such notice upon the party so required to name an Arbitrator as aforesaid, such party shall name their Arbitrator, and shall give notice thereof

Proceedings on such arbitration.

Meetings of Arbitrators.

thereof in writing to the party requiring said arbitration; and the said two Arbitrators shall, within ten days after the service of the said last mentioned notice, meet and choose a third Arbitrator, and the said three Arbitrators, or in case any one of them refuses or fails to act, any two of them shall, in writing, appoint a time and place of meeting to hear and determine the said matters so in dispute, and respecting which the parties cannot agree, as aforesaid, of which meeting both parties to said reference, and in case the appointment is made by two of the Arbitrators, the Arbitrator who may not have joined in making such appointment, shall have at least ten days notice in writing, and thereupon, at the time and place so named and fixed, the said three Arbitrators, or any two of them, shall proceed to hear the said parties, and shall determine the matter or matters so submitted as aforesaid, and such award so made by the said three Arbitrators, or any two of them, shall be binding on both parties.

Notices.

Notices, &c., to be a submission.

**28.** The said notices and proceedings, up to the meeting of the said Arbitrators, shall be a submission between the said parties, and as such may be made a Rule of any of Her Majesty's Superior Courts for Upper Canada, at Toronto.

Award to be good for five years only:— as to time previously elapsed.

**29.** Any such award so made, save only as to the point of junction of the said two Branch Railways, if that be a matter so referred, shall only extend to the period of five years from the date thereof; but for such time as any powers mentioned and awarded upon in the said award may have been exercised before the making of said award in consequence of the time required to bring about the arbitration, the said award shall be taken as fixing the tolls to be paid for the exercise of said powers up to the date of said award.

New arbitration after five years, if the parties do not agree, and so on.

**30.** At the expiration of said five years, if the said the Great Western Railway Company and the said the Oil Springs Road Company, or the Grand Trunk Railway Company of Canada, as the case may be, cannot agree upon the terms and conditions upon which the powers mentioned in the twenty-third, twenty-fourth and twenty-fifth clauses or either of them shall be exercised, and the tolls to be paid therefor, then the said parties shall proceed to fix said terms and conditions and tolls by arbitration, in the manner above provided, and so on from time to time, for the period of five years only, at any one time, so long as said powers are required; and until such new award shall be made, the award preceding it shall be the rule and guide between the parties.

Facilities to be afforded by companies.

**31.** The Oil Springs Road Company, or the Grand Trunk Railway Company, as the case may be, shall afford the Great Western Railway Company the facilities necessary to enable them to form a connection at the point of crossing their Sarnia Branch.

**32.** If the Great Western Railway Company shall exercise the powers above (and in their above mentioned Act) contained for using with their engines, carriages and waggons, the said line between the said point at or near the Village of Oil Springs and the said point on the line of the Grand Trunk Railway, they, the Great Western Railway Company, shall in all respects conform to, obey and observe the rules and regulations of the Oil Springs Road Company or the Grand Trunk Railway Company of Canada, as the case may be, for working their traffic over the said line in this section described, and every facility being afforded to the Great Western Railway for the carrying on of their traffic on said line in this section described.

Great Western company using the branch to conform to regulations for working traffic.

**33.** If the said the Oil Springs Road Company, or the Grand Trunk Railway Company exercising the powers of the said the Oil Springs Road Company, as the case may be, do not build and complete the said Branch between the main line of the Grand Trunk Railway and the said Village of Oil Springs, within four years from the passing of this Act, the Oil Springs Road Company, and the Grand Trunk Railway Company shall forfeit the right to build the said line authorized by this Act, and the Great Western Railway Company shall have full power to build and construct such branch line from Oil Springs to the Grand Trunk Railway or such portion thereof as they may desire, under the same powers and provisions as though the same had been authorized to be constructed by them under their said Act authorizing the building of their said branch.

If the branch be not built within four years the G. W. R. Company may build it.

**34.** If the Great Western Railway Company do not build the said Branch between their main line and said Village of Oil Springs within four years from the passing of this Act, they, the Great Western Railway Company, shall forfeit the right to build their said Branch above mentioned, and all powers given them in this Act, and in the Act authorizing the building of their said branch; and the Oil Springs Road Company, or the Grand Trunk Railway Company of Canada, exercising the powers given them in this Act, may, and they are hereby authorized to construct the said Branch authorized by the said Act empowering the Great Western Railway Company to construct their said Branch, or such part thereof as they may think proper; and in such case, all the powers contained in the said Act incorporating the said the Oil Springs Road Company shall apply to such extension.

If the G. W. R. Company do not build their branch in four years the other companies may build it.

**35.** The line of Railway authorized to be built by this Act, shall not be opened for traffic until the first day of March, one thousand eight hundred and sixty-five.

Branch not to be opened before a certain time.

**36.** If the Oil Springs Road Company, or the Grand Trunk Railway Company, as the case may be, think proper to cross the line of the Great Western Railway at Wanstead, the portions of the street laid out on the plan and survey of

Provision if the branch cross the G. W. Railway at Wanstead.

Wanstead

Wanstead Village, known as Essex Street, lying to the southward of the northern line of the Sarnia Branch of the Great Western Railway, shall cease to be a public highway.

Public Act.

**37.** This Act shall be a Public Act.

### SCHEDULE A.

KNOW all men by these presents, that I, A. B., of (and *here name the wife, if any,*) do hereby, in consideration of (the sum paid) by the Oil Springs Road Company (or the Grand Trunk Railway Company of Canada, *as the case may be,*) the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the Oil Springs Road Company (or the Grand Trunk Railway Company, *as the case may be,*) their successors and assigns forever, all that tract of land described as follows:—

To have and to hold the same to the said Company, their successors and assigns, for ever, for the purposes of their said Road.

*(Here add the dower clause, if required.)*

Witness my hand and seal this                      day of

Signed, sealed and delivered in the presence of

### C A P . X I X .

An Act further to amend the Act incorporating the International Bridge Company.

*[Assented to 5th May, 1863.]*

Preamble.

**W**HEREAS by an Act passed in the twenty-third year of the reign of Her Majesty, chapter one hundred and thirteen, the times for commencing and completing the International Bridge were respectively extended; and whereas the Provisional Board of Directors have petitioned for a further extension of time, 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 commencing and completing the Bridge completed.

**1.** The times limited in and by the said Act passed in the twenty-third year of the reign of Her Majesty, chapter one hundred and thirteen, for commencing and completing respectively the International Bridge shall be respectively further extended to the tenth day of October, one thousand eight hundred and sixty-eight, and the tenth day of October one thousand eight hundred and seventy-one.

C A P .

## C A P . X X .

## An Act to amend the Charter of the Quebec Bank.

[Assented to 5th May, 1863.]

**W**HEREAS the Quebec Bank have by petition prayed Preamble.  
for certain amendments to their Charter, and it is expedient to grant the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

**1.** So much of the third section of the Act known as the Charter of the Quebec Bank, as provides that no part of the capital stock unsubscribed for at the time when the said Act should come into force, should be subscribed for after the end of five years from that time, and that the whole of the stock should be called in before the thirty-first day of December, one thousand eight hundred and sixty-three, is repealed; and in lieu thereof the following provision shall be substituted in the said Charter of the Quebec Bank, that is to say:—no part of the capital stock unsubscribed for at the time when this Act shall come into force shall be subscribed for after the end of five years from that time, and the whole of the stock shall be called in before the thirty-first day of December, one thousand eight hundred and sixty-eight. Section 3 of charter amended. Further time for paying up capital.

**2.** In the edifice or building now erected or hereafter to be erected upon the land and premises belonging to the said Quebec Bank, in the City of Quebec, in which their business now is or may at any time hereafter be conducted, it shall and may be lawful for the said Quebec Bank to lease to such person or persons, for such rent and upon such terms and conditions as they may see fit, any apartment or apartments therein which they may not require for their own use as a bank. Bank may lease part of their building at Quebec.

**3.** This Act shall be a public Act and shall be construed and applied to all intents as though forming part of the Act known as “The Charter of the Quebec Bank,” and hereby amended, and the expression “The Charter of the Quebec Bank” shall constitute a sufficient citation, as well of this Act as of the said Act hereby amended. Public Act. How construed and cited.

## C A P . X X I .

An Act to incorporate *The Montreal Corn Exchange Association.*

[Assented to 5th May, 1863.]

**W**HEREAS Robert Esdaile, Honorable John Young, Preamble.  
Honorable L. Renaud, Henry A. Budden, Charles J. Cusack, David A. P. Watt, Thomas Gordon, David E. MacLean, T. P. Roe, A. Heward, R. S. Oliver, Jackson Rae, H. G.

G. Sewell, T. Sauvageau, William Nivin, G. W. Simpson, Duncan Robertson, James D. Crawford, Thomas A. Crane, A. Walker, John Sinclair, James Aiken, James Inglis, George Shaw, H. L. Routh, John Ogilvie, Andrew Allan, Robert Mitchell, A. W. Campbell, Thomas Kershaw, T. M. Clark, William P. McLaren and James W. Taylor, resident and carrying on trade in the City of Montreal, have petitioned for the incorporation of themselves and others as the *Montreal Corn Exchange Association*, and to be invested with certain powers, 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:

Incorporation.

Corporate name and general powers.

1. The aforesaid persons and others already associated with them, and all those who may hereafter become associated with them, shall be, and they are hereby constituted a body politic and corporate by the name of *The Montreal Corn Exchange Association*; and may, by that name, sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all Courts of Law and Equity; and by that name, they and their successors shall have perpetual succession, and may have a common seal, change and alter the same at pleasure; may acquire for themselves and their successors, under any legal title whatsoever, property real and personal; may alienate, sell, convey, lease or otherwise dispose of the same or any part thereof from time to time, as occasion may require, for such price or prices, and on such terms and conditions as they may see fit; and may, should they see fit, acquire other real and personal estate for the purposes of this Act; may borrow money on the hypothecary security of the immovable property of the Corporation for such time and on such terms and at such rates of interest as they may see fit; provided always, the clear value of the real and personal estate together, held by the said Corporation at any one time, shall not exceed one hundred thousand dollars; and provided also, that the said Corporation shall not have or exercise any corporate powers whatsoever, except such as are expressly conferred by this Act, or which are necessary for carrying the same into effect.

Real property limited.

Proviso.

Objects of the Corporation.

2. The objects of the Association are hereby declared to be: to provide and regulate a suitable building or room for a Corn Exchange and Offices in the City of Montreal, and to encourage the centralization of the produce and the provision trades of the City thereat; to promote the establishment and maintenance of uniformity in business of its members and those dealing with them; to compile, record and publish statistics respecting the same; to promote the observance of such regulations and requirements as may be by by-law established, not being contrary to law; and to adjust, settle, and determine controversies and misunderstandings between persons engaged in the said trades, or which may be submitted to arbitration as hereinafter

hereinafter provided; to which ends the Corporation is hereby empowered by vote of the majority at any annual, quarterly, or special meeting of the Association, to make all proper and needful by-laws for its government, for the maintenance and due regulation of the Corn Exchange, Offices and property thereof, for the raising of capital, not exceeding in amount the aforesaid sum of one hundred thousand dollars, by the issue of transferable shares or otherwise, for the appointing of the conditions under which shares may be transferred or forfeited, for the employment of a secretary, and such clerks and other officers and servants as may be necessary, for regulating the mode of voting at any ordinary or general meeting and to determine whether the presiding officer shall or shall not vote, or shall or shall not have a double or casting vote in case of a tie, and for all or any of the purposes within the powers conferred by this Act, and for the administration of their affairs generally; provided always, such by-laws are not contrary to law; and further to amend and repeal such by-laws from time to time, in the manner provided by such by-laws, and generally shall have all needful corporate powers for the purposes of this Act.

Power to make By-laws for promoting such objects.

General purposes.

3. The affairs, business and concerns of the Corporation hereby created, shall be managed by a President, Treasurer, and six, or such other number of Managers as may be provided by the by-laws, all of whom shall be members of the Association, and shall together constitute and be called *The Committee of Management*, and be elected annually at such time and place as may be provided by the by-laws; all vacancies which may occur in the said Committee by death or otherwise shall be filled by the said Committee, and a majority of the number of the said Committee shall constitute a *quorum* for the transaction of business; provided always that the Committee of management may appoint one of their number as assistant secretary who shall be an unsalaried officer to aid the secretary and when required to supply his place.

Officers and Committee of Management.

Vacancies.

Quorum.

Assistant Secretary.

4. The said Robert Esdaile, Honorable John Young, Honorable Louis Renaud, Henry A. Budden, C. J. Cusack, D. A. P. Watt, Ira Gould, W. P. McLaren, and James W. Taylor, shall be the Committee of Management until others under the provisions of this Act shall be elected in their place; and the Committee hereby appointed shall, until the said election, have all the powers assigned to the Committee of Management of the said Corporation by this Act, and shall have power to open Stock Books, receive subscriptions of stock or shares, and to do all matters and things necessary for the full organization and working of the Association.

First Members of the Committee.

Powers.

5. No member, office-holder, or shareholder shall in any manner be liable to, or charged with, the payment of any debt or demand due by the Association, beyond the amount of his unpaid subscribed share or shares in the capital stock of the Corporation.

Non-liability of shareholders.

Annual meetings.

**6.** An annual Meeting shall be held for the election of the Committee of management, (and for such other business as may be brought before such meeting) at such time and place and under such regulations and notices as the by-laws of the Corporation shall determine, and may be adjourned as decided at such meeting; but in case of any accident, failure or neglect to hold such general election, the Corporation shall not thereby lapse or terminate, but shall continue and exist and the old officers shall hold over until the next general election, or until such other period as may be provided for in the by-laws.

Failure of election not to dissolve corporation.

Admission and expulsion of Members.

**7.** The Corporation may admit, as members, such persons as they see fit, and may expel any member for such reasons and in such manner as may be by By-law appointed.

Certain Public Officers to forward statistical information to the Committee.

**8.** It shall be the duty of the Harbour Commissioners, Harbour Master and Port Warden of Montreal, the Trinity House of Montreal, the Collectors of Customs at Montreal, St. Johns and Coaticook, the Officers at Montreal in charge of the Lachine Canal, the Inspectors of Ashes, Flour and Grain, Beef, Pork, Butter, Leather, and all other Inspectors that are or may be hereafter appointed at Montreal, and Railway Companies having *termini* in the City of Montreal, and their Officers and Servants, to furnish to the Association, and at its expense, such statistical and other information relating to trade and commerce, and such samples as may, from time to time, be required by Resolution of the Committee of Management.

Appointment of Arbitrators in differences between Members.

**9.** The Corporation shall have power to provide by By-law, for the Election, or appointment by nomination, of Arbitrators Members of the Association, to hear and decide controversies, disputes, or misunderstandings relating to any commercial matter, which may arise between Members of the Association, or any persons whatsoever claiming by, through or under them, which may be voluntarily submitted for arbitration by the parties in dispute; but nothing shall prevent the parties in any case from naming the arbitrators to whom the matter shall be submitted.

Board of Review.

**10.** The Corporation shall have power to provide by By-law for the annual election of a Board of Review, which Board may consist of the members of the Committee of Management, or of ordinary members of the Association, or of both; but so as not to include any member who may have acted as Arbitrator on any case submitted to the Board of Review.

Submission to arbitrators.

**11.** Members and persons assenting to an arbitration by an instrument in writing signed by them according to the form in the schedule to this Act, or by act of submission before Notaries, shall be understood to have submitted to the decision of the majority of the Arbitrators who, under any By-law, or by nomination by the parties in the submission, may be appointed to hear the case, and to decide upon the same.

**12.** The Arbitrators shall in each case, before they act as Arbitrators, take and subscribe an Oath before any Justice of the Peace or any Commissioner appointed to receive affidavits in the Superior Court (who are hereby empowered to administer such oaths,) that they will faithfully, diligently and impartially perform their duties as Arbitrators, and will, in the case so submitted, give a true and just award according to the best of their judgment and ability, without fear, favor or affection, of or for any party or person whomsoever; and the members of the said Board of Review shall take a like oath to that provided for the said Arbitrators on the assumption of office, before the Prothonotary of the Superior Court at Montreal, who is hereby empowered to administer such oath; and all such oaths shall be deposited with the Secretary or Assistant Secretary of the Association.

Arbitrators  
to be sworn.

Also mem-  
bers of Board  
of Review.

**13.** The Corporation shall have power to make all By-laws necessary to regulate the forms and modes of procedure to be observed in cases of Arbitration; to regulate the taxation of witnesses, and all fees, costs and expenses; fees to be paid to the Arbitrators, Secretary, Assistant Secretary, or to any of the servants of the Association, and to require payment thereof before delivery of the award; to regulate fines to be paid by any arbitrator declining to act as arbitrator when duly appointed, (which fines may be collected as a debt before any civil Court having jurisdiction to the amount) and to amend and repeal such By-laws, from time to time, as well as the other By-laws of the Association, and in the mode thereby provided.

By-laws  
touching ar-  
bitration.

**14.** The arbitrators shall have power to appoint a time and place for hearing and deciding upon any matter or thing so submitted to them, and to adjourn their meetings from time to time as may be necessary, but not beyond the time fixed in the submission for rendering their award, if the time is so fixed, except by consent of parties; and shall have power severally, at any meeting, to administer oaths to the parties and their witnesses, and to examine them either orally or in writing, relative to the matters submitted and under consideration, to allow to and tax witnesses a just and equitable taxation, and to assess the fees, costs, and expenses of such arbitration according to such rules and scales as may be fixed by By-law; and a certificate under the hand of the Secretary or Assistant-Secretary of the Association, of the amount allowed to any witness or of any such fees, costs, and expenses, or of the fine imposed upon the arbitrator so refusing to act, or of any other matter, act or thing done by the Association or by any such Arbitrators and recorded by the Secretary or Assistant-Secretary in the Books of the Association, shall be sufficient *prima facie* evidence of such amount, and of the contents of the said certificate.

Powers of  
Arbitrators.

Oaths to par-  
ties and wit-  
nesses

Costs.

Certificate of  
Secretary &c.,  
to be evidence  
of amount.

Forms of  
award.

**15.** All awards shall be made in writing and signed by the arbitrators rendering the same, and shall be handed to the Secretary or Assistant Secretary, who shall record the same in a book to be kept by him for that purpose, and shall promptly furnish the parties interested with copies thereof when requested, nor shall any signification of an award upon the parties be necessary.

Provision for  
reviewing  
awards.

**16.** Either party to such submission on filing with the Secretary or Assistant Secretary within five days from the date of such award, but not afterwards, a declaration signed by him that he is desirous of having such award reviewed, shall be entitled to have the said award and all questions arising out of such submission referred to the decision of the said Board of Review; and the said Board of Review shall have power, without delay, and on written notice to the parties, and as may be determined by the majority of the Board, or by any By-law, to proceed to examine into the merits of the matters submitted, and of the award, either by hearing the parties and their witnesses and proofs *de novo*, or to determine and finally decide upon the written notes of evidence, if any were taken, and on the proceedings and documents to be produced by the Secretary or Assistant Secretary; and all the powers by this Act vested in the said Arbitrators shall be and are hereby vested in the said Board of Review, and the decision or award of such Board of Review or of a majority thereof, confirming, reversing, modifying, or altering the award of the said Arbitrators, shall be final and conclusive, and be binding upon the parties to the said submission, and shall be filed, recorded, and judgment entered thereon, and shall have the like effect and be enforced and all further proceedings had thereon as in the case of an award of the said Arbitrators, and as provided by this Act.

Powers of  
Board of Re-  
view.

Award or de-  
cision in Re-  
view to be  
deposited in  
Court.

**17.** It shall be the duty of the Secretary or Assistant Secretary of the Association, at the request of any party to the submission and after the expiry of five days from the date of the award, if no review is had, or after the expiry of five days from the date of the award rendered by the Board of Review, to deposit the original award or awards, together with the submission and a certificate in detail of the fees, costs and expenses incurred (in case costs are awarded) with the Clerk of the Circuit Court, or the Prothonotary of the Superior Court, at Montreal, according as the sum awarded, as finally settled by the award, may fall within the jurisdiction of the said Courts respectively, to be filed and recorded in such Court; and on oath by the said Secretary, Assistant Secretary, or by any competent witness, made before such Prothonotary or Clerk, of the signatures to the said award of the Arbitrators in the case, or of the Board of Review, or of both, as the case may be, and as to the amount of the costs (if costs are awarded), the said award or awards, affidavit and certificate shall be filed and recorded in such Court; and the award of the said Arbitrators

if

if no review is had, or the award of the Board of Review when rendered, respectively, shall thereupon be held and considered to be to all intents and purposes whatever, as having, and shall respectively have, the same force and effect as a judgment lawfully rendered in the premises by the Superior or Circuit Court, and shall be a final and conclusive judgment; and the same shall not, nor shall the award upon which it is rendered, be liable to be inquired into, altered, amended, set aside, or appealed from by any proceeding whatever, and no writ of *certiorari* shall lie from such award or judgment for any cause whatsoever; Provided always, that after such award is filed, and before the same shall have force and effect, or be executory as a judgment, a rule or notice on motion shall be first taken, calling on the party against whom such award is sought to be enforced, to show cause why the same should not become a Judgment of the Court, and the proceedings on such notice or rule shall be summary, and may be begun and carried on either before a Judge in Chambers or in Court, and such award shall be made a Judgment of the Court unless it be shewn that the arbitrators have manifestly exceeded their powers, or that there has been fraud or collusion on their part or that of the Board of Revision, or some of them.

To have effect of a judgment.

Proviso: rule to shew cause why award should not be made a judgment.

**18.** After the expiration of fifteen days from the Return day of such rule or notice, if no cause be shewn, or after the expiration of fifteen days from the Judgment thereon, a writ of execution shall and may issue out of the said Court on the *fiat*, or order of the party in whose favor the award may have been rendered, or of his attorney or attorneys, to enforce the said award, and to collect the sum thereby awarded, with the costs and expenses as certified by the Secretary or Assistant Secretary, in the same manner and for the same fees as are by law exigible in such Court; and all future proceedings of every kind and description in respect of such award, judgment and execution shall be had, as may now be had on a judgment lawfully rendered in such Court, subject however to all the provisions and enactments set forth in the sixteenth section of this Act.

Service of notice respecting award, &c.

Execution.

Further proceedings.

**19.** The 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 periods, and with such details and other information as the Governor or either branch of the Legislature may require.

Returns to the Legislature.

**20.** This Act shall be deemed a Public Act.

Public Act.

## SCHEDULE A.

## FORM OF SUBMISSION.

Know all men that we, A. B., of \_\_\_\_\_, and C. D. of \_\_\_\_\_  
*(as the case may be,)* having a difference as to  
 our rights in a case touching *(here state briefly the matters of  
 difference,)* have agreed and bound ourselves to abide by, and  
 perform the award to be made under the Act incorporating  
*The Montreal Corn Exchange Association,* and we hereby  
 agree to submit our said differences and all matters connected  
 therewith :

To the Arbitrators appointed under the said Act, *or,*

To three members of the said Association, mutually agreed  
 on, to wit, *(insert names,)* *or,*

To E. F., named by the said A. B. and G. H., named by the  
 said C. D., with power to the said Arbitrators to name a third  
*(or as the case may be)* : And we agree that the said award, or  
 the award of the Board of Review under the said Act, shall be  
 final and conclusive to all intents and purposes between us.

Thus done and executed at Montreal, this \_\_\_\_\_ day of  
 18 .

Signed  
 “

A. B.  
 C. D.

## CAP. XXII.

An Act to incorporate the St. Mary's Elevating and  
 Grain Warehousing Company.

*[Assented to 5th May, 1863.]*

Preamble.

**W**HEREAS it is of great importance to this Province, and  
 the grain trade thereof requires, that increased facilities  
 should be afforded for the weighing, transshipment and storage  
 of grain, with the least possible delay and expense; And  
 whereas the persons hereinafter named have by their Petition  
 prayed to be incorporated with the powers hereinafter men-  
 tioned, and it is expedient to grant the prayer of such Petition :  
 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. Haviland LeMesurier Routh, Thomas Ryan, Louis  
 Boyer, James Logan, James B. Forsyth, Henry Lyman and  
 Gordon MacKenzie, and such and so many other persons as  
 may have become or shall become shareholders in the Capital  
 Stock

Stock hereinafter mentioned, shall be and they are hereby constituted a body politic and corporate, by the name of the "St. Mary's Elevating and Grain Warehousing Company," and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, in all Courts and places whatsoever, and shall have uninterrupted succession and a common seal, which may be by them changed or varied at their pleasure.

Corporate name and general powers.

2. The Capital Stock of the said Company shall consist of four thousand shares, of the nominal value of fifty dollars each share; and it shall be in the power of the shareholders at any general meeting, by a vote of the majority in value of all Stock issued, to increase such Capital by the further sum of one hundred thousand dollars, to be divided into like shares of fifty dollars each; and all such Capital shall, when subscribed for, be called in, and the subscribers shall be bound to pay the same, in and by such instalments and at such times as the Directors from time to time shall see fit to direct and appoint.

Capital stock and shares.

Increase thereof.

Calls.

3. No shareholder in the said Corporation shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation, beyond the amount of his subscribed share or shares in the Capital Stock of the said Corporation, which may remain unpaid to the said Corporation.

Liability of Shareholders limited.

4. The business of the said Company shall consist in the purchase, acquisition, erection and use of so much land, buildings, machinery, wharves and property, barges or craft, as may be necessary to enable them to elevate, weigh, measure and store grain, produce or other merchandize, and it shall be lawful for them to purchase, lease, own and to have all real and personal property which may be necessary for carrying on the business of the said Company, provided the sum vested in real property do not at any one time exceed two hundred thousand dollars; and it shall be lawful for the said Company to sell, lease, deal with and otherwise dispose of the said property as they see fit, and from time to time to purchase and deal with other property which they may acquire; and they shall also have power to connect their warehouses, stores and property with any railway or with the waters of the river St. Lawrence, by laying down tracks, and erecting wharves, or by leasing or acquiring the rights which any other person or corporation may have had, or might lawfully exercise to that end for the more convenient use or employment of their said store-houses and machinery, and for the better access thereto; provided always that the said Company shall not lay down any track on or over any street or public place in the City of Montreal, without the previous sanction and approval of the Council of the said City, nor without being subject to such conditions and restrictions as may be imposed by the said Council; and provided

Business of the Company.

Real property limited.

Laying down Rails.

Proviso: for consent of city Council or Harbour Commissioners as to laying of Rails.

provided also that the said Company shall not lay down any track or erect any wharf within the limits of the Harbour of Montreal, or upon any land under the control of the Commissioners of the Harbour of Montreal, without the previous sanction and approval of the said Commissioners, nor without being subject to such conditions and restrictions as they may impose.

- Assignment of shares.** 5. The shares in the Stock of the said Corporation shall be assignable and may be sold and transferred in such form and on such conditions as may be prescribed by the By-laws to be passed; and by any such assignment, the party accepting the same shall thenceforth become a member of the said Corporation, in respect of such share or shares, in the place of the party so transferring the same; but no such transfer shall be valid or effectual until all calls or instalments called for or due on the shares purporting to be transferred, and all debts or moneys due to the said Corporation thereon, shall have been fully paid up and discharged; and a copy of such transfer extracted from the proper book of entry, and purporting to be signed by the Clerk or other officer of the said Company, duly authorized thereto, shall be sufficient *prima facie* evidence of every such transfer, in all Courts in this Province.
- Condition.**
- Proof of assignment.**
- Seven Directors to be elected yearly.** 6. For managing the affairs of the said Corporation, there shall be, from time to time, elected out of the members of the said Corporation, seven persons, being each a proprietor of not less than forty shares of the said Capital Stock, to be Directors of the said Corporation, for ordering, managing and directing the affairs of the said Corporation; and any five Directors shall form a quorum of the Board, and any majority of such quorum may exercise all the powers of the Directors; and whenever any vacancy shall happen among the Directors by death, resignation or removal out of the Province, such vacancy shall be filled up until the next General Meeting of the shareholders, in such manner as may be prescribed by any By-law of the Corporation; and the Directors, with the consent of the majority of the stockholders present at any General or Special Meeting, shall have full powers to dispose of any part of the property or Stock of the said Corporation, on such terms and conditions and to such parties as they may think best; and they shall also have full power to make such calls for money from the several shareholders, for the time being, as is hereinbefore provided for, and to sue for, recover and get in all such calls, whether already made or hereafter to be made, and if they think proper, to cause and declare the said shares to be forfeited to the said Corporation in case of non-payment on such terms and in such way as they shall see fit to prescribe by any By-law; the said Directors shall and may use and affix or cause to be used and affixed the common seal of the said Corporation, to any documents which in their judgment may require the same, and any act or deed bearing such seal, and signed by the President (or
- Quorum.**
- Vacancies.**
- Powers of the Directors, as to—**
- Calls and forfeitures for non-payment.**
- Common Seal.**

by any two Directors), and countersigned by the Clerk or Secretary, shall be held to be the act or deed of the Corporation; they may appoint such and so many agents, officers and servants of the said Corporation under them as to the said Directors may seem meet, and may fix the salaries and remuneration of such officers, agents and servants; may make all payments and enter into any contracts for building, purchasing, hiring or acquiring land, store-houses, vessels, machinery or other means of stowing, conveying, elevating or weighing grain or other merchandize or produce, and for all other matters necessary for the transaction of its affairs; and may enter into all contracts for insuring and protecting such storehouses, vessels, machinery, produce and all other property, whether real or personal, in covering or protecting which they may have an interest; may generally deal with, treat, purchase, lease, sell, mortgage, let, release and dispose of and exercise all acts of ownership over the lands, tenements, property and effects of the said Corporation; may institute and defend in the name of the said Corporation all suits at law or in equity; may from time to time displace the officers, agents and servants of the said Corporation; and they shall and may have power to do all things whatsoever, which may be necessary or requisite to carry out the objects of the Corporation; they may appoint when Special Meetings of the Shareholders shall be held, and determine on the mode of giving notice thereof, and the manner in which the shareholders may call or require such Special Meetings to be called; and they shall have power to make By-laws for the government and control of the officers and servants of the said Corporation respectively, and to regulate the number of Directors who shall annually retire, and shall also have power to make and frame all other By-laws, Rules and Regulations for the management of the business of the said Corporation, in all its particulars and details, whether hereinbefore specially enumerated or not, and the same also at any time, to alter, change, modify and repeal, which said By-laws, Rules and Regulations shall be submitted for approval, rejection or alteration by the stockholders, at a General Meeting to be held so soon as one quarter of the Capital Stock shall have been subscribed, and thereafter on the second Monday in January, or at a Special Meeting to be called by the said Directors, and when and as so ratified and confirmed, shall be put into writing and duly recorded in the minutes of the said Corporation, and be binding upon and observed and taken notice of by all members of the said Corporation; and any copy of the said By-laws, or any of them, purporting to be under the hand of the Clerk, Secretary or other officer of the said Company, and having the seal of the Corporation affixed to it, shall be received as *prima facie* evidence of such By-laws in all Courts in this Province.

Agents and Officers;

Contracts;

Dealing with property;

Suits at law, &c.;

Removing officers;

Special meetings;

By-laws;

Approval of By-laws.

Proof of By-laws.

7. The first general meeting of the shareholders of the said Corporation shall be held at the office of the said Corporation,

First general meeting.

Election of  
Directors.

First Direc-  
tors named.

First Presi-  
dent.

Provision in  
case of failure  
of any elec-  
tion.

When only  
operations  
may be com-  
menced.

Public Act.

in the City of Montreal, on the second Monday in January, one thousand eight hundred and sixty-four, and at such time and place, and on the like day in every year thereafter, the said shareholders shall elect fit and qualified persons to be Directors of the said Company, in the place and stead of those who, by the rules of the Company, shall then retire; and until such first election, and until they shall respectively retire as aforesaid, the following persons, to wit, Haviland LeMesurier Routh, Thomas Ryan, Louis Boyer, James Logan, James B. Forsyth, Henry Lyman and Gordon MacKenzie, and the survivors or survivor of them, shall be and are hereby declared to be and are constituted Directors of the said Corporation; and Haviland LeMesurier Routh shall, until such day, be the President of the said Corporation; and they shall have and exercise all and every the powers, and shall be subject to all and every the clauses, conditions, liability and restrictions imposed on the Directors to be chosen under this Act.

8. The failure to hold the said first and general meeting or any other meeting, or to elect such Directors or President, shall not dissolve the said Corporation, but such failure or omission shall and may be supplied by and at any meeting to be called as the Directors, in conformity with the By-laws of the said Corporation, may see fit to appoint; and until such election of new Directors, those who may be in office for the time being, shall be and continue in office, and exercise all the rights and powers thereof, until such new election be made as hereinbefore provided.

9. It shall not be lawful for the said Corporation to commence or proceed with their operations under this Act, unless they shall have first subscribed the sum of twenty-five per cent. on the amount of their Capital Stock of two hundred thousand dollars, and paid up one half of such subscribed stock.

10. This Act shall be deemed a Public Act.

## C A P . X X I I I .

An Act to incorporate the Quebec Elevator Company.

[Assented to 5th May, 1863.]

Preamble.

WHEREAS it is of importance that sufficient facilities be afforded in the Port of Quebec for the transhipment of grain into sea-going vessels, and for its storage in barges or other moveable warehouses; and whereas the several persons hereinafter named have, by their petition, prayed to be incorporated for the purpose of supplying such facilities with the powers hereinafter named, and it is deemed expedient to grant

the

the prayer of such petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

**1.** Thomas C. Lee, L. H. Lee, H. J. Noad, S. Lelièvre, C. Tetu, F. Oliver, Simon Peters, W. H. Jeffrey, James S. Noad, W. G. Wurtele, James G. Ross, James Gibb, junior, P. Garneau, Robert Shaw, and all such other persons as may have become or shall become subscribers to the stock of the Company hereby incorporated, shall be and are hereby constituted a body politic and corporate, by the name of *The Quebec Elevator Company*.

Certain persons incorporated.

Corporate name

**2.** The capital stock of the said Company shall consist of four hundred shares, of fifty dollars each, which shall be payable as follows, to wit : twenty dollars per share on subscription and allotment, and the remainder in and by such instalments as the Directors may from time to time see fit to call in, payable in such manner and at such times as shall be prescribed by the resolution calling the same ; provided always, that by a resolution passed by a majority of the shareholders thereof, at any meeting called for the purpose, the Company may increase the capital stock by an additional sum of fifty thousand dollars, making the total capital stock thereof seventy thousand dollars ; and the provisions of this Act shall apply to such increased capital ; provided always, that the said Company shall have paid up the sum of twenty dollars per share upon the capital stock of four hundred shares before commencing their operations under this Act.

Capital Stock of the Company and shares.

Company may increase their Capital.

Proviso.

**3.** The business of the Company shall consist in the weighing, measuring, storing, elevating, and transhipment of grain, with full power to purchase, hold, lease, or acquire, by any title whatsoever, all real or personal property necessary for carrying on properly the business of the said Company, and the said Company may, from time to time, sell, lease, or dispose of, and replace the said property as they may deem fit.

Company may acquire real property necessary for their business.

**4.** The shares in the stock of the said Company shall be assignable, and may be sold and transferred on the conditions prescribed by the rules of the Company, and any party holding the same shall become a member of the said corporation in respect of such shares, in the place of the party transferring the same ; but no such transfer shall be valid unless all instalments due thereon have been fully paid ; and a copy of any such transfer signed by the proper officer of the Company shall be sufficient evidence of such transfer in any court in the Province.

Transfer of Shares.

Condition.

**5.** For the proper management of the affairs of the Company five persons shall be elected out of the members of the said Company as Directors, and each Director shall be a proprietor of not less than five shares of the said capital stock, and any

Directors, election, qualification.

Quorum.

Calls and for-  
feiture for non-  
payment.

four of the said Directors shall form a quorum, and the majority of such quorum shall have the same powers as the Directors; and the said Directors shall have full power to make such calls for money from the shareholders from time to time as provided for, with full power to sue for and recover all such calls after they become due; and moreover they may cause and declare the shares to be forfeited to the said Company in case of non-payment in accordance with the terms of their by-law; and the Directors may, with the consent of the majority of the stockholders present, dispose of any portion of their property in stock of the said Company.

Using com-  
mon seal.

6. The Directors may use and affix, or cause to be used and affixed, the common seal of the said Company to all documents requiring the same, and any such document, having such seal, and signed by the President and countersigned by the Secretary, or in the absence of the President, signed by any two of the Directors, shall be held to be an act of the said Company, and the Directors may enter into all contracts for building, purchasing, hiring or acquiring vessels, machinery, and other things necessary for stowing, conveying, elevating, weighing or storing grain, and they may enter into contracts for the insurance of all such property as far as their interest lies.

Contracts.

Directors may  
make By-laws,  
subject to  
approval by  
Stockholders.

7. The Directors shall have power to make by-laws for the government and proper management of all matters connected with the Company, but all such by-laws, rules and regulations shall be submitted for approval or otherwise to the stockholders, at a general meeting to be convened for the said purpose, and any copy of such by-law, certified by the Secretary as a true copy, and with the seal of the Corporation affixed to it, shall be received as evidence in all Courts of justice in the Province.

Public Act.

8. This Act shall be deemed a Public Act.

## C A P . X X I V .

An Act further to amend the Act incorporating the British American Manufacturing Company, and to change the name of the said Company to "The Canadian Rubber Company."

[Assented to 5th May, 1863.]

Preamble.

WHEREAS the British American Manufacturing Company have petitioned for a further amendment of their Act of Incorporation, being the Act twenty-third Victoria, chapter one hundred and nineteen, and to have the name of the said Company changed, and it is expedient to grant their Petition: Therefore, Her Majesty, by and with the advice and consent

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

1. The Directors of the said Company shall have the power to elect from among themselves a Vice-President in the same manner as is provided for the election of a President, for the performance of such duties and the exercise of such powers as may be conferred upon him by the By-laws of the Company, and he shall, irrespective of such By-laws, in the absence of the President, have power to act in his stead.

*Company may elect a Vice-President.*  
*His powers.*

2. The Directors of the said Company are authorized to make one or more By-laws for the election of one or two additional Directors to be elected at the annual meetings of the shareholders, and may amend or repeal such By-laws and make others in their stead, provided that the number of Directors shall at no time be increased beyond the number of seven, nor reduced below the number of five; and provided further that every By-law passed under this section shall be subject to the approval of the shareholders at the meeting at which the election takes place, or at any other meeting called for this purpose.

*Company may elect additional Directors.*  
*By-laws to be subject to approval.*

3. The said Directors shall have the like powers to regulate by By-law what number of shares in the capital stock of the said Company must be owned by any person to qualify such person to be elected as a Director of the Company, provided that such qualification shall at no time be reduced below twenty-five shares, and which said By-law shall not go into effect without the approval of the shareholders expressed at any annual meeting or some other meeting called for this purpose.

*By-laws fixing qualification of Directors.*  
*Approval required.*

4. The corporate name of the said Company is hereby changed, so that hereafter it shall bear and be known by the corporate name of "The Canadian Rubber Company," which name may be used in the French language also, and shall then be "La Compagnie Canadienne de Caoutchouc," and either of these names shall be held to be the corporate name of the Company, and to be a good designation thereof; but such change of name shall in no manner whatsoever change, alter or affect any contracts, liabilities, rights, obligations, powers or attributes pertaining or attaching to the said Company.

*Corporate name changed.*  
*Proviso.*

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

C A P . X X V .

An Act to incorporate the Durham Mining and Smelting Company.

[Assented to 5th May, 1863.]

**W**HEREAS the persons hereinafter named have, by petition, represented, that they desire to engage in the business of exploring, mining, manufacturing and disposing of copper

*Preamble.*

copper and other ores, in the Township of Durham, in the County of Drummond, in the District of Arthabaska, in the Province of Canada, and that they can do so to better advantage by the aid of a Charter of Incorporation, and have prayed for the passing of an Act to that end; and whereas 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:

Incorporation.

1. Benjamin S. Rotch, L. A. Plummer, Albert Knight, Matthew Cox, Carlos Pierce, Abbott Lawrence, Aaron A. Adams, Esquires, together with 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, by the name of *The Durham Mining and Smelting Company*.

Corporate name.

Business of the Company.

Real estate.

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 only, may acquire and hold by purchase, lease or other legal title, such lands in the county aforesaid, not exceeding two 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 to be 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, smelting or manufacturing operations beyond the limits of the said county.

May acquire Royalty.

Proviso.

Capital and shares.

Increase.

3. The capital stock of the Company shall be the sum of five hundred thousand dollars, divided into one hundred thousand shares, of five dollars each, and may be from time to time increased, as the wants of the Company require, by vote of the stockholders at a meeting of the Company called for the purpose, to an amount not exceeding one million dollars in the whole.

Calls on stock.

Interest thereon.

Forfeiture for non-payment.

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; 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 facts 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.

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 prescribed, 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 personally.

How assignable.

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, the proxy is held by a shareholder not in arrear, and is in conformity with the By-laws.

Votes.

Proxies: Proviso.

7. The affairs of the Company shall be administered by a Board of not less than five, and not more than seven Directors, being severally holders of at least one hundred shares of stock, who 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 such Directors may vote by proxy, and four members of such board, present in person or proxy, until otherwise provided by the By-laws, 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.

Directors, qualification and election.

Quorum.

Vacancies.

Failure to elect, not to dissolve.

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; and 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 time and place for holding the annual and other meetings of the Company; the calling of meetings of the Company and of the Board of Directors, the quorum, the requirements as to proxies, the procedures in all things at such meetings; the site of their chief place of business, and of any other offices, which they may require

Powers of Directors.

May make by-laws for certain purposes.

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 subject to confirmation.

How proved.

Provisional Directors.

Their powers.

Place of first meeting.

Notices of meetings.

Places of business.

Company not bound to see to trusts on shares.

Liability of shareholders limited.

As to contracts, bills, &c.

**9.** Until the first election of such Board, the said Benjamin S. Rotch, L. A. Plummer, Albert Knight, Matthew Cox, Carlos Pierce, Abbott Lawrence and Aaron A. Adams, shall be a Provisional Board of Directors of the Company, with power to fill vacancies, to open stock books, assign stock, make 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 ; provided always, that notice of all meetings of the company shall be given in some newspaper published in the district of Arthabaska, and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

**10.** In addition to their ordinary place of business within this Province, the company may establish and have any place or places of business in Great Britain, or in the United States of America, and may, at any one thereof, direct, do, and transact their affairs and business, or any thereof, in such manner as may be prescribed by their By-laws.

**11.** The company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, in respect of any share, and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company, for any dividend or money payable in respect of such share, 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 their shares in the stock thereof.

**13.** All contracts, promissory notes, bills of exchange, and engagements, made on behalf of the company, by the directors, officers, agents or servants of the company, in accordance with their

their powers under the by-laws, or by vote of the company, shall be binding upon the Company, and in no case need the seal of the company be affixed thereto, nor shall such directors, officers, agents or servants, thereby become individually liable to any third party therefor; but the company shall issue no Bank Note, or Note to circulate as money.

Not to issue Bank notes.

**14.** Any description of action may be prosecuted and maintained between the company and any shareholder thereof, and no stockholder, not being himself personally a party to such action, shall be incompetent as a witness therein.

Suits and evidence.

**15.** The company shall not commence operations under this Act, until at least ten per centum of the amount of their capital stock shall have been paid in.

Commencement of business.

**16.** This Act shall be deemed a Public Act.

Public Act.

## C A P . X X V I .

An Act to incorporate the Wickham Mining and Smelting Company.

[Assented to 5th May, 1863.]

**W**HEREAS the persons hereinafter named have, by petition, represented, that they desire to engage in the business of exploring, mining, manufacturing and disposing of copper and other ores, in the Township of Wickham, in the County of Drummond, in the District of Arthabaska, in the Province of Canada, and that they can do so to better advantage by the aid of a Charter of Incorporation, and have prayed for the passing of an Act to that end; and whereas 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.

**1.** Benjamin Pomroy, Aaron A. Adams, Benjamin S. Rotch, Charles W. Pierce, Thomas J. Lee, Jacob Sleeper and Lester M. Clark, Esquires, together with 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, by the name of *The Wickham Mining and Smelting 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 only, may acquire and hold by purchase, lease, or other legal title, such lands in the district aforesaid, not exceeding two thousand acres in superficies, and construct and maintain such buildings, and machinery and other improvements thereon, and sell and dispose of

Power to hold lands in the district.

- of the same, and acquire others in their stead, as the Company may deem to be 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, smelting, or manufacturing operations beyond the limits of the said County.
- 3.** The capital stock of the Company shall be the sum of five hundred thousand dollars, divided into one hundred thousand shares, of five dollars each, and may be from time to time increased, as the wants of the Company require, by vote of the stockholders at a meeting of the Company called for the purpose, to an amount not exceeding one million dollars in the whole.
- 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 such day, upon the amount due and 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 facts 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.
- 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.
- 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, the proxy is held by a shareholder not in arrear, and is in conformity with the By-laws.
- 7.** The affairs of the Company shall be administered by a Board of not less than five, and not more than seven Directors, being severally holders of at least one hundred shares of stock, who shall be elected at the first general meeting, and, thereafter, at each annual meeting of the Company, to hold office until their
- May acquire Royalties.
- Proviso.
- Capital Stock.
- Shares.
- Increase.
- Calls on Stock.
- Forfeiture for non-payment.
- Stock to be personalty.
- How assignable.
- Votes.
- Proxies.
- Proviso.
- Directors.
- Election.

their successors are elected, and who (if otherwise qualified) may always be re-elected; and such Directors may vote by proxy, and four members of such Board, present in person or by proxy, until otherwise provided by the By-laws, 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.

Qualification.

Quorum.

Vacancies.

Failure of election not to dissolve.

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, and 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 time and place for holding the annual and other meetings of the Company; 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 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.

Powers of Directors.

Making By-laws for certain purposes.

By-laws must be confirmed.

Copies of By-laws to be evidence.

9. Until the first election of such Board, the said Benjamin Pomroy, Aaron A. Adams, Benjamin S. Rotch, Charles W. Pierce, Thomas J. Lee, Jacob Sleeper and Lester M. Clark, Esquires, shall be a Provisional Board of Directors of the company, with power to fill vacancies, to open stock-books, assign stock, make and collect calls for 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; Provided always,

Provisional Directors.

First meeting to be in this Province.

Notice.

always, that notice of all meetings of the company shall be given in some newspaper (if any,) published in the district of Arthabaska, and also in the *Canada Gazette*, at least fifteen days before the holding of such meeting.

Company may have places of business out of the Province.

**10.** In addition to their ordinary place of business within this Province, the company may establish and have any place or places of business 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.

**11.** The company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, in respect of any share, and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company, for any dividend or money payable in respect of such share, 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.

Limited liabilities of shareholders.

**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 their shares in the stock thereof.

How the Company may become parties to notes, &c.

**13.** All contracts, promissory notes, bills of exchange, and engagements, made on behalf of the company, by the directors, officers, agents or servants of the company, in accordance with their powers under the by-laws or by vote of the company, shall be binding upon the Company, and in no case need the seal of the company be affixed thereto, nor shall such directors, officers, agents or servants, thereby become individually liable to any third party therefor; but the company shall issue no Bank Note, or Note to circulate as money.

Actions against stockholders, &c.

**14.** Any description of action may be prosecuted and maintained between the company and any shareholder thereof, and no stockholder, not being himself personally a party to such action, shall be incompetent as a witness therein.

When to commence business.

**15.** The company shall not commence operations under this Act, until at least ten per centum of the amount of their capital stock shall have been paid in.

Public Act.

**16.** This Act shall be deemed a Public Act.

## C A P . X X V I I .

An Act to authorize "The Mechanics' Institute of Montreal" to raise a Loan, and for other purposes.

[Assented to 5th May, 1863.]

**W**HEREAS the Corporation of "The Mechanics' Institute of Montreal" have, by their Petition to the Legislature, represented that they are desirous of extending the building on the lot of ground hereinafter mentioned and described, to the full depth of such lot, but are unable to do so for want of sufficient funds which cannot readily be raised without paying off their present indebtedness in connection with the original purchase and commutation of the said lot of ground and the erection and repairing of the said building; and the Petitioners have prayed for authority to raise a loan for the purpose of improving their said property as aforesaid, and of paying off their indebtedness aforesaid on the security of the said lot of ground and premises; and whereas the said Petitioners have by their said Petition also prayed to be empowered to alienate said property and any other real property which they may hereafter acquire, should they at any time deem it advisable so to do: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. It shall be lawful for "The Mechanics' Institute of Montreal" to borrow a sum or sums of money, not exceeding in the whole the sum of twenty-eight thousand dollars, from such party or parties, corporation or corporations, as may be willing to lend the same, and at such rate of interest and on such terms and conditions as may be agreed upon, for the purpose of paying off their indebtedness in connection with the original purchase and commutation of the lot of ground and the erection and repairing of the building hereinafter mentioned and described, and for the purpose of extending such building to the full depth of the said lot, and for securing the repayment of the sum or sums so to be borrowed, to hypothecate the following lot of ground and premises, to wit: A lot of ground situate and being at the corner of Great Saint James and Saint Peter streets, in the city of Montreal, containing sixty-two feet in front by one hundred and seven feet in depth, bounded in front by Great Saint James street, in rear by the properties of the heirs Malo and H. Stevens, or representatives, on one side by Saint Peter street, and on the other side by the property of Robert Campbell, Esquire, with a three-story stone and brick building, known as the "Mechanics' Hall," thereon erected; and in default of due payment of any sum or sums so to be borrowed, the said lot of land and the building or buildings thereon erected may be seized in execution in satisfaction of any judgment obtained

Power to borrow \$28,000.

A certain lot may be hypothecated as security.

The said lot may be sold under execution, &c.

obtained for such sum or sums, sold by the Sheriff, and adjudged, and shall belong to and be dealt with by the purchaser (*adjudicataire*) in like manner as any other real property seized and sold in execution, any law, usage or custom to the contrary notwithstanding.

Corporation  
may sell the  
said lot, &c.

Proviso :  
investment of  
Proceeds.

2. The said Corporation may sell or in any other way dispose of the said lot of ground and premises, and any other real estate which they may hereafter acquire, when and as they may deem advisable for the interests of the said Corporation; provided, always, that the moneys arising from any such alienation shall be promptly invested in other real estate and buildings for the occupation of the said Mechanics' Institute of Montreal, as contemplated by their original Charter and the Act of the Legislature amending the same.

Public Act.

3. This Act shall be a Public Act.

## C A P . X X V I I I .

An Act to enable the District of Montreal Building Society to change its name to the *District Permanent Building Society of Montreal*, and to constitute it a Permanent Building Society.

[Assented to 5th May, 1863.]

Preamble.

WHEREAS a Building Society was formed in the City of Montreal, in the month of March, one thousand eight hundred and fifty-seven, and incorporated under the name of the "District of Montreal Building Society," in virtue of the Act twelfth Victoria, Chapter fifty-seven, and the Acts amending it, and the said Society has continued to exist and to be in operation since that period; And whereas the President and Directors of the said Society have represented, that when the said Society was formed, the law had not authorized the formation of permanent building Societies, as it since has by virtue of twenty-second Victoria, chapter fifty-eight, and chapter sixty-nine of the Consolidated Statutes for Lower Canada; that in view of the number of members of the Society, many of whom reside at a distance from the said city, the amount of the capital subscribed, the amount already paid in, the number of loans already made, and which is daily increasing, it would be most advantageous to the vested interests that the said Society should be forthwith constituted a Permanent Building Society; And whereas it is expedient to accede to their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Corporation  
made perma-

1. The said Montreal District Building Society and its present members, their successors and assigns for ever, are hereby constituted

constituted a Corporation and a Permanent Building Society under the name of the "District Permanent Building Society of Montreal," having its principal place of business or office in the said City of Montreal, and under that name they shall be capable of suing and being sued, and shall possess all the rights, powers and privileges granted to Permanent Building Societies by chapter sixty-nine of the Consolidated Statutes for Lower Canada, and shall be subject to all the duties and obligations imposed on such Permanent Building Societies by the said Act.

ment and its name changed.

Rights and liabilities not affected.

2. All the real and movable property, stock, obligations, debts, rights and claims whatsoever, belonging to or due by the said Montreal District Building Society shall be vested in the said District Permanent Building Society of Montreal, and shall be held by, and prosecuted by or against the said Permanent Building Society from the day of the passing of this Act; but all suits now pending, and all judicial proceedings heretofore begun, may be continued and terminated under the name or style in which they have been instituted.

Property vested in Corporation.

Pending suits, &c., saved.

3. The present President, Directors and Officers of the Montreal District Building Society shall continue in office as such in the said Permanent Building Society, until replaced in conformity with the by-laws of the said Society:

Present officers continued.

2. The present by-laws of the said Society shall continue in force as regards the said Permanent Building Society until modified, amended or repealed by the said Permanent Building Society;

And present By-laws.

3. Any person now a member, and any future member of the said Permanent Building Society may, at his option, and at any time, and in such manner as may be prescribed by the Directors, convert his stock or shares into permanent stock or shares of the said Society, either before or after they shall have been wholly paid up.

Conversion of shares.

4. The said District Permanent Building Society of Montreal is empowered to make, amend, repeal and establish by-laws from time to time, by the two-thirds majority of the votes of the members present either in person or by proxy, at a general meeting of the members of the said Society, held for that purpose, and called by the President or by three Directors, by public notice in two newspapers published, one in the English and the other in the French language, in the city of Montreal, the said notice having been published in each of the said newspapers once a week for four consecutive weeks before the day of the said meeting; and at such meeting, and at all other meetings of the members of the said Permanent Building Society, the members shall vote according to the scale of votes, and in the manner prescribed or to be prescribed by the by-laws of the said Society.

Corporation may make By-laws for certain purposes.

Meeting for that purpose.

Votes.

This Act not in force until accepted by a majority of the members.

5. Provided always, that this Act shall not have any force or effect, unless nor until the assent to its provisions be given by the two-thirds majority of the votes of the members present either in person or by proxy, at a general meeting of the members of the Society, convened by the President or Secretary of the Society by public notice in the manner already provided for general meetings of the members of the said Society, and at such meeting the members shall vote as prescribed by the by-laws of the said Society.

Public Act.

6. This Act shall be deemed a Public Act.

## C A P . X X I X .

An Act to authorize the *St. James' Club of Montreal* to issue Stock for the purpose of raising the necessary funds to build a Club House.

[Assented to 5th May, 1863.]

Preamble.

WHEREAS the Corporation of *The St. James' Club of Montreal* have, by their Petition to the Legislature, represented that they have recently acquired the lot of ground hereinafter mentioned and described, on which they are desirous of erecting a Club House and dependencies, but, for want of sufficient funds, are unable to do so; and the Petitioners have prayed for authority to issue Stock for the purpose of raising the necessary funds for the purpose aforesaid, which prayer it is expedient to grant: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Corporation may issue stock.

1. 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 five 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.

Money raised, to be applied to build a Club House.

2. The funds arising from such Stock shall be applied exclusively to the erection of a Club House and dependencies, on the following described lot of ground recently purchased by the said Corporation, and to the liquidation of the purchase money or cost of such lot, to wit: The certain lot, piece or parcel of land, situate within the said City of Montreal, and forming the corner of Dorchester and University Street, bounded as follows, to wit: in front by University Streets aforesaid, in rear by Harrison Stephens, on one side to the north-west by the vendor, and on the other side to the south-east by Dorchester Street aforesaid, and containing the said lots, ninety-six feet in width in front on University Street aforesaid, by all the depth that may be found to the wall separating the said lot from

Description of the site of Club House.

from the said Harrison Stephens, the said wall being built entirely on property belonging to him the said Harrison Stephens, and not *mitoyen*, the said north-west line, however, being *mitoyen* with the said vendor in case of a wall being built thereon by either party or their representatives, without any buildings thereon erected, but with all and every the members and appurtenances to the same belonging.

3. The shares of such stock shall be transferable by assignment on the books of the Corporation. Transfer of stock.

4. Each holder of such Stock, duly paid up, shall be a proprietor of an undivided share of the said lot of ground, and of the buildings thereon to be erected, and shall be exempt from all liability beyond the extent of the Stock he shall actually hold. Rights of stockholders.

5. Each holder of such paid up Stock shall be entitled to receive an annual dividend at the rate of seven per cent per annum, on the amount of Stock held by him; such dividend shall be payable quarterly, and shall be a first or privileged charge on all the funds and movable estate generally of the said Corporation. Dividend at 7 per cent per annum.

6. It shall be competent to the said Corporation to pay off so much of the said Stock, from time to time, as the said Committee may deem desirable; the share or shares so to be paid off to be selected by the said Committee by ballot. Corporation may pay off stock.

7. Such payment may be made by depositing, in any of the chartered Banks in the City of Montreal, 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. How payment shall be made.

8. The third section of the Act twenty-second Victoria, chapter twenty-two, is hereby repealed and the following is substituted therefor, and shall be read and taken in place thereof: "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 any such member; and any member of the Club, not being in arrear, may retire therefrom, and shall cease to be such member and 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." Section 3 of Act of incorporation repealed.  
Liability of members limited.  
Members may retire.

9. This Act shall be subject to the approval of a majority of the members of the said St. James' Club, present or voting by proxy, at a general meeting to be called for that purpose, in conformity with the By-laws now in force. Act to be subject to approval of members.

10. This Act shall be deemed a Public Act.

Public Act.

## C A P. X X X.

An Act to incorporate the "Hamilton Masonic Hall Association."

[Assented to 5th May, 1863.]

Preamble.

**W**HEREAS Charles Magill, F. W. Gates, Thomas Bird Harris, Milton Davis, William Daniell, Robert J. Hamilton, Thomas McCracken, William Muir, George W. Burton, William Bellhouse, George Roach, James M. Rogerson, Harcourt B. Bull, William Birkett, Thomas C. Macnabb, Alfred Booker, J. E. O'Reilly, Dougald McInnes and others, members of the "Hamilton Masonic Hall Association" have, by their petition to the Legislature, represented that they have in contemplation the erection and maintenance of a building within the City of Hamilton, to be styled the "Hamilton Masonic Hall," for the accommodation of public meetings convened for useful and moral purposes, and that it would greatly tend to the advancement of the useful and philanthropic objects of the said association if corporate powers were conferred upon them, and have prayed for an 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:

Incorporation of company.

**1.** Charles Magill, Frederick W. Gates, Thomas Bird Harris, Milton Davis, William Daniell, Robert J. Hamilton, Thomas McCracken, William Muir, George W. Burton, Wm. Bellhouse, George Roach, James M. Rogerson, Harcourt B. Bull, William Birkett, Thomas C. Macnabb, Alfred Booker, J. E. O'Reilly, Dougald McInnes and all such persons as are now and shall hereafter become members of the said association, shall be and are hereby declared a Body Politic and Corporate, under the name of the "Hamilton Masonic Hall Association," and shall be entitled to acquire, hold, possess, take, receive and dispose of, for the purposes of the said Corporation, any lands, tenements or hereditaments and real or immovable property, lying within the said City of Hamilton, not exceeding in value the sum of fifty thousand dollars.

Corporate name and powers.

Real property limited.

Capital \$50,000.

Share \$20.

To be personally.

**2.** The Capital Stock of the said association shall be and consist of the sum of fifty thousand dollars, or such part thereof as shall be deemed necessary to be raised by the said association, and the same shall be divided and distinguished into two thousand five hundred equal parts or shares at a price not exceeding twenty dollars per share, and shall be deemed personal estate and be transferable as such; and the said two thousand five hundred shares shall be and are hereby vested in the members of the said association and their several and respective executors, administrators and assigns, and to their proper use and behoof, proportionably to the sum they and each

each

each of them shall severally subscribe and pay thereunto; and all and every persons and their several and respective executors, administrators and assigns who shall respectively subscribe and pay the sum of twenty dollars or more towards carrying on and completing the said "Hamilton Masonic Hall," shall be members of the said association, and as such entitled to and receive, after the said building is completed, the entire and net distribution of the profit and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered and received by the authority of this act, in proportion to the number of shares so held; and every person or persons having such property of one or more shares in the said undertaking and in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking in the manner by this Act directed and appointed.

Who shall be members of the Corporation.

Each shall pay his share of the expenses.

3. Upon every or any subject, proposition or question which shall arise, be discussed or be put, relating to the affairs of the said Corporation, at any meeting of the members thereof to be held in pursuance of this Act, each member present thereat shall be entitled to one vote for one or for two shares he shall hold or possess in the said undertaking; the holders of three or of four shares shall be entitled to two votes, and so on in proportion; provided, however, that no member shall at any time be entitled to more than ten votes, although he may be a holder of more than twenty shares; and whatsoever question, election of Officers, or other matter or thing shall be proposed, discussed or considered at any such meeting, shall be finally determined by the majority of votes then present; and the Chairman at every such meeting, in case of a division of equal numbers, shall have the casting vote, although he may have voted before.

Votes.

Proviso.

Majority to decide.

Casting vote.

4. The said Corporation may from time to time lawfully borrow, either in this Province or elsewhere, such sum or sums of money, not exceeding at one time the sum of twenty-five thousand dollars as they may find expedient and as they may think proper, and may give their bonds, obligations or other securities for the sums so borrowed and may mortgage or pledge the lands, revenues and other property of the said Corporation for the due payment of the said sums and interest thereon.

Corporation may borrow \$25,000.

Mortgage and pledge of property.

5. No shareholder in the said Corporation shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation, beyond the extent of his share in the capital of the said Corporation, not paid up.

Liability of Shareholders limited.

6. The subscribers above named, or a majority of them, shall, so soon after the passing of this Act as may be convenient, open a book or books of subscription; and when four hundred

Books of subscription to be opened.

hundred shares shall have been subscribed in such book or books, they shall call a meeting of such subscribers, at such time and place in the said City of Hamilton as they shall deem fit, by public notice, to be published at least eight days before such meeting in one newspaper published in the said City; and a like General Meeting, to be called by the secretary of the said Corporation, after due notice as aforesaid, shall be held on the first Wednesday in May in every year afterwards, at the hour of seven o'clock in the afternoon, or any subsequent day thereafter which shall be duly indicated in such notice.

**7.** At the first General Meeting of the subscribers hereinbefore directed to be held or some adjournment thereof, the majority of the proprietors then assembled together shall choose seven directors being respectively proprietors of at least four shares in such undertaking, of whom four shall be a quorum, for managing, governing and carrying on the affairs of the said association; and the said Directors elected at such first General Meeting shall remain in office until their successors are elected and appointed; and at the first of the Meetings of the Directors which shall take place in each year as soon as possible after their Election, they shall, if a quorum be present, choose a President from among their number, who shall preside at any meeting of the Directors and be entitled to a casting vote in case of an equal division of members, although he may have voted before; and the Directors shall also choose annually, from among the stockholders of the said association, a Treasurer and Secretary, who shall be permanent or be appointed for one year only as the majority of any quorum of the said Directors shall think proper to determine; and the said Directors are hereby authorized to take such security from the said Treasurer and Secretary for the due execution of their respective offices as the said Directors shall think necessary; Provided always, that any two thirds of the proprietors assembled at any General Meeting may remove such Treasurer or Secretary, and in such case the Directors shall appoint another in his stead.

**8.** It shall be lawful for a majority of the Directors, or any number of proprietors, having together not less than one hundred votes, to call a Special General Meeting of the subscribers at any time by public notice in a daily newspaper published in the said City, of which meeting every stockholder shall be duly notified in writing by the Secretary, such notices respectively to be given at least ten days before the day fixed for such Special Meeting.

**9.** The said Directors, for the time being, shall have and be invested with full power and authority to manage, order, oversee and transact all and singular the affairs and business of the said "Hamilton Masonic Hall Association," and all matters

matters and things whatsoever relating to or concerning the same; and the said Directors for the time being shall, on the first Wednesday in May in every year, at the General Meeting of the members of the said association or some adjourned meeting thereof, produce and give a full, just and true account in writing of all their transactions, receipts and payments respectively, so that the true state of the said "Hamilton Masonic Hall Association" and its affairs may manifestly appear; and shall also make and declare a dividend of the clear profit and revenue, all costs, charges and expenses being first deducted, among the Proprietors aforesaid.

Must render an account yearly.

And declare dividends.

10. When the term of office of the Directors elected at the first General Meeting of the Proprietors held after the passing of this Act shall expire, that is to say in the month of May one thousand eight hundred and sixty-four, seven Directors shall be chosen at the General Meeting of Proprietors to be held in the said month and year, and the same number at the meeting in the said month or some adjournment thereof as aforesaid, in every year thereafter; Provided always that any Director may be re-elected; and the said Directors shall meet as often and at such place in the City of Hamilton to be by them appointed, as occasion may require; but if any one or more Directors shall die or be permanently removed from the City or its immediate neighborhood before his or their term of office shall have expired, the remaining Directors shall have full power to fill up such vacancies from amongst the stockholders of the said association eligible under this Act, and this must be done at their first regular meeting to be held thereafter.

Subsequent Elections of Directors.

Proviso.

Filling of Vacancies.

11. The Directors may from time to time make such calls of money upon the respective stockholders in respect of the amount of Capital respectively subscribed or owing by them, as they deem necessary; and thirty days notice at the least shall be given of each call, and no call shall exceed the sum of one dollar upon each share so subscribed; provided always that the said Directors shall not have power to make more than two calls upon stock so subscribed in any one month.

Calls for instalments on Capital.

Proviso.

Calls limited.

12. All subscribers of shares or stockholders in the said undertaking, shall be held and bound, and they are hereby required, to pay the sums of money subscribed for by them, as the same shall be called for under the provisions of the By-Laws to be hereafter made, and in case any person or persons neglect or refuse to pay the same at the times appointed by the said By-Laws, it shall be lawful for the said Corporation to sue for, and recover the same with interest upon the amount, and costs, in any Court of Law having competent jurisdiction; provided always, that no such stockholder so in arrear shall be at liberty to speak or vote at any general or special meeting of the aforesaid association, nor be entitled to receive, or take any dividend upon his stock, until all arrearages due on his stock shall have been fully paid up.

Calls may be recovered, if not paid.

Stockholders in arrear not to speak or vote.

Directors  
to make By-  
Laws.

**13.** The said Directors or a quorum thereof, as aforesaid, being assembled at such places and times as aforesaid, shall have full power and authority to make and ordain such and so many By-Laws, Rules and Regulations not inconsistent with the statutes, customs or Laws of the Province, or the expressed regulations of this Act, as by the said Directors shall be judged expedient and necessary for the direction, conduct and government of the said association, and of the property, real and personal, movable and otherwise by them held, and as in their opinion will most effectually promote the purposes of this Act; and by such By-Laws, Rules and Regulations, they shall decide what person or persons may acquire and hold a share or shares in the said association, and none but those allowed by the said By-Laws shall be enabled to acquire any right, or title, or be permitted to hold any share or shares or part thereof in the said association; provided always, that no By-Law shall be in force until it shall have been sanctioned by a vote of at least two thirds of the proprietors present at a General meeting, to be called together by the Directors for the purpose of taking such By-Law into consideration, nor shall any amendment, repeal, or alteration of any By-Law be valid, unless agreed to by two thirds of the said proprietors present as aforesaid.

Proviso :  
By-Laws must  
be sanctioned.

Transfer and  
assignment of  
shares.

**14.** It shall be lawful for each and every of the members for the time being of the said association, his executors, administrators or assigns, to give, sell, alien, devise or dispose of his or their respective share or shares and interest only, to such person or persons as may, by the said By-Laws, be permitted to acquire and hold any share or shares in the said association, and the said person or persons shall thereafter be members of the said Corporation, and shall be entitled to all and every the same rights and privileges, and to the profits and advantages therefrom arising, and in the said association, as the members in this Act named are entitled to by virtue of this Act; provided always, that a part of a share or shares shall not entitle the proprietor or owner to any privilege whatever.

Proviso.

Duplicate  
transfer to be  
made.

**15.** Any stockholder shall be at liberty to sell and dispose of any share or shares which he may hold in the said association by instrument in writing, which said instrument shall be made in duplicate, one part of which shall be delivered to the Directors to be filed and kept for the use of the Association, and an entry thereof shall be made in a book or books to be kept for that purpose, for which transfer not more than fifty cents shall be paid; and until such duplicate of such instrument or act of transfer shall be so delivered unto the said directors or secretary of the said Association, and filed and entered as above directed, such purchaser or purchasers shall not be held to be a proprietor or proprietors of such share or shares and shall have no part of the profits of the said undertaking paid unto him or them, nor any vote as members of the said Association, and such

And filed.

Fee for filing.

Nullity of  
transfer until  
filed and if  
not approved  
by Directors.

such sale or transfer shall not be valid until approved of by the Directors, which approval must be endorsed on the back of the instrument of transfer by the president of the said Association.

16. If any share or shares in the said Association be transmitted by the death, bankruptcy or last will, donation or testament, or by the intestacy of any stockholder, or by any lawful means other than by the transfer hereinbefore mentioned, the party to whom the share or shares shall be so transmitted shall deposit, in the Office of the said Association, a statement in writing signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without which such party shall not be entitled to receive any share of the profits of the said Association, nor vote in respect of any such share or shares as the holder thereof.

Transmission of shares by the death, last will, donation &c.

Proof to be deposited.

17. This Act shall be deemed a Public Act.

Public Act.

C A P . X X X I .

An Act to incorporate "Huron College."

[Assented to 5th May, 1863.]

WHEREAS it has been represented to the Legislature of this Province that the Right Reverend Benjamin Cronyn, Doctor of Divinity and Bishop of the Diocese of Huron, and others, are engaged in erecting and establishing a College in connection with the United Church of England and Ireland, in the City of London, under the style and title of "Huron College;" and whereas it would tend greatly to advance and extend the usefulness of the said College, and to promote the purpose 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:

Preamble.

1. There shall be, and there is hereby constituted and established, in or near the City of London, Canada West, a body politic and corporate, under the name of "Huron College," which Corporation shall consist of the Lord Bishop of the Diocese of Huron, for the time being, and the Council of the said College, not less than three in number, which Members of the Council shall be named in the first instance by the Right Reverend Benjamin Cronyn, Lord Bishop as aforesaid, and shall, in the event of the death of any of them, dismissal or disqualification from office, or resignation of any of them, be replaced, from time to time, by other persons, to be named in such manner as may be set forth in the constitution or By-laws of

Corporation established.

Members.

Vacancies how filled.

**Proviso.**

of the said College ; provided always that the Lord Bishop of the Diocese of Huron, for the time being, shall, *ex officio*, be a member of the said Council and the President thereof.

**General Corporate powers.**

2. Such Corporation shall have perpetual succession, and may have a common seal, with power to change, alter, break and renew the same, when and so often as they shall think proper ; and the said Corporation may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted in all Courts and places whatsoever in this Province ; and shall have full power to make and establish such and so many rules, orders and regulations, (not being contrary to the laws of the country or this Act, or to the Constitution of the said College,) as they shall deem useful or necessary,--as well concerning the system of education in, as for the conduct and government of the said College, and of a preparatory Collegiate School connected with or dependent on the same, and of the Corporation thereof, and for the superintendence, advantage and improvement of all the property, moveable or immovable, belonging to, or which shall hereafter belong to, the said Corporation ; and shall have power to take, under any legal title whatsoever, and to hold for the said College, without any further authority, license or letters of mortmain, all land and property, moveable and immovable, which may hereafter be sold, ceded, exchanged, given, bequeathed or granted to the said Corporation, or to sell, alienate, convey, let or lease the same, if need be ;--provided always, that such real estate, so held by the said College, hereby incorporated, shall be such, and only such, as may be required for the purposes of College Buildings and offices, residences for the professors, tutors, students, and officers, with gardens or pleasure grounds pertaining thereto ;--provided also, that the said College may acquire any other real estate, or any interest therein, by gift, devise, or bequest, if made at least six months before the death of the party making the same, and the College may hold such estate for a period of not more than seven years, and the same, or any part, or portion thereof, or interest therein, which may not, within the said period, have been alienated and disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives ;--and provided also, that the proceeds of such property as shall have been disposed of during the said period, may be invested in the public securities of the Province, stocks of chartered Banks, or other approved securities for the use of the said College ; and the said Corporation shall further have the right of appointing an Attorney or Attorneys for the management of its affairs, and all other rights necessarily incident to a body corporate.

**Making By-laws.**

**Holding property.**

**Proviso as to real estate.**

**Further proviso as to sale of any excess of real estate.**

**Proviso : investment of proceeds of property sold.**

**Application of property and revenues**

3. All the property which shall at any time belong to the said Corporation, as well as the revenues thereof, shall at all times be exclusively applied and appropriated to the advancement of

of education in the said College, or in a preparatory Collegiate School connected with or dependent on the same, and to no other object, institution or establishment whatever.

4. It shall be the duty of the said Corporation at all times, when they may be called upon to do so, by the Governor of this Province, to render an account, in writing, of their property, in which shall be set forth, in particular, the income by them derived from property held under this Act, and the source from which the same has been derived; also the number of members of the said Corporation, the number of teachers employed in the various branches of instruction, the number of scholars under instruction, and the course of instruction pursued.

Returns to Government.

5. This Act shall be deemed a Public Act.

Public Act.

## C A P. X X X I I .

An Act to authorize Hilaire Théberge to levy Tolls on a Bridge erected by him over the south branch of the River Yamaska, in the Village of the Parish of St. Pie.

[Assented to 5th May, 1863.]

**W**HEREAS Hilaire Théberge, farmer, of the parish of St. Pie, in the County of Bagot, has, at his own costs and charges, erected a solid and substantial Bridge over the south branch of the River Yamaska, at the end of Bridge street, in the village of St. Pie, in the parish of St. Pie, County of Bagot, the said Bridge being one hundred and eighty feet in length by eighteen feet in breadth, and having openings fifty-six feet in width between the piers; and whereas he prays by his petition to be authorized to receive tolls on the said Bridge: 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 Hilaire Théberge is hereby authorized to erect and construct, at his own cost and expense, a Toll House and Toll Gate near to, or upon the said Bridge; and also to do and execute all such other matters and things as shall be necessary, useful or advantageous for erecting and constructing, keeping up and maintaining the said Bridge, Toll House, Toll Gate and other dependencies, according to the true intent and meaning of this Act.

Toll house, &c., may be erected.

2. For the purpose of maintaining and supporting the said Bridge, the said Hilaire Théberge, his heirs and assigns, shall, from time to time, have full power and authority to take and use the land on either side of the said river, and there to work

Lands may be taken, &c.

up,

Compensation  
to be made.

up, or cause to be worked up, the materials and other things necessary for erecting, constructing, or repairing the said Bridge, doing as little damage as possible, and making just and reasonable compensation to the owners and occupants of all lands, altered or damaged or made use of, for the value of such lands, or for the damage caused by the works necessary for the construction and maintenance of the Bridge, Toll House or other dependencies.

Arbitration  
in case of dis-  
pute as to va-  
lue.

3. In case of difference of opinion or dispute as to the amount of such compensation, the sum to be paid shall be fixed and determined by two arbitrators, one to be chosen by each party; and the said arbitrators, before proceeding to hear the parties, shall choose a third arbitrator, who shall not be interested nor related to any one of the parties within the degree prohibited in civil proceedings; and they are empowered, having given two days' notice to the parties, to hear the parties and their witnesses, and to examine their other evidence, and the proceedings being terminated they shall give their decision in the case, which they shall cause to be drawn up before notaries; the decision shall be forthwith communicated by the said Hilaire Théberge or his assigns, to the party interested, and the amount fixed by the majority of the arbitrators shall at the same time be tendered to the said party; provided always, that the said Hilaire Théberge shall not begin the erection of the said Toll House and other works by which any person may be deprived of his lands or suffer damage until the estimated price of such lands or the amount of such damages shall have been paid to the said party, or until the said amount shall have been tendered to him.

Amount  
awarded to be  
tendered before  
lands are taken.

Bridge, &c.,  
vested in H.  
Théberge.

Proviso:  
H. M. may  
assume the  
Bridge after 50  
years.

4. The said bridge and the said toll house, toll gate, and other dependencies now or hereafter to be erected on or near to the said bridge, and also the ascents or approaches to the said bridge shall be vested in the said Hilaire Théberge, his heirs and assigns, for ever; provided always, that after the expiration of fifty years from the passing of this Act, it shall be lawful for Her Majesty, Her Heirs and Successors, to assume the possession and property of the said bridge, toll house and dependencies, and the ascents and approaches thereto, upon paying to the said Hilaire Théberge or his heirs and assigns, the value which the same shall at the time of such assumption bear and be worth.

Certain tolls  
may be levied,  
when the  
Bridge is certi-  
fied as safe and  
good

5. And whereas it is alleged that the said bridge is properly and substantially erected: Therefore, so soon as it shall be certified by two Justices of the Peace of the District of St. Hyacinth, after examination made by three *experts* to be appointed and sworn by the said Justices of the Peace, and after such certificate shall have been published in some newspaper published in the District of St. Hyacinth, it shall be lawful for the said Hilaire Théberge, his heirs and assigns, from

from time to time, and at all times, to ask, demand, receive, take, sue for and recover to and for his own proper use, benefit and behoof, for pontage, as or in the name of toll or duty, before any passage over the said bridge shall be permitted, the several sums following, that is to say :

For a small cart.....	2d
For a single waggon.....	3d
For a double waggon.....	4d
For a person on horseback.....	1½d
For each head of horned cattle..	1d
For each sheep.....	0½d
For foot passenger.....	0½d

6. The said Hilaire Théberge, his heirs and assigns, may diminish the rates aforesaid, and they shall be bound to post up in some conspicuous place, near the toll gate, a table in the English and French languages, of the rates payable for the passage of the said bridge. Rates may be diminished.

7. Provided always, that no person, horse or carriage employed in conveying a mail or letters under the authority of Her Majesty's Post Office, nor the horses nor carriages laden or unladen, and drivers attending officers and soldiers of Her Majesty's forces or of the Militia, whilst upon their march or on duty, nor the said officers or soldiers, nor any of them, nor carriages nor drivers or guards, sent with prisoners of any description, as well going or coming, provided they are not otherwise loaded, shall be chargeable with any toll or rate whatsoever. Certain persons, &c., exempt.

8. The said tolls shall be, and the same are hereby vested in the said Hilaire Théberge, his heirs and assigns, for ever; provided that if Her Majesty shall, after the expiration of fifty years, assume the possession and property of the said bridge, then the said tolls shall, from the time of such assumption, appertain and belong to Her Majesty, Her Heirs and Successors, who shall from thenceforward be substituted in the place and stead of the said Hilaire Théberge, for all and every the purposes of this Act. Tolls vested, in Théberge and his heirs, &c.

9. If any person shall forcibly pass through the said toll gate, or over or upon the said bridge, without paying the said toll, or any part thereof, or shall interrupt or disturb the said Hilaire Théberge, or his assigns in building or repairing the said bridge and its dependencies, or any road or avenue leading thereto, every person so offending in each of the cases aforesaid, shall, for every offence, forfeit a sum not exceeding forty shillings, currency. Penalty on passing without payment.

10. After the Bridge shall be open for the use of the public, no person shall erect or cause to be erected any bridge or bridges, or maintain or cause to be maintained, any means of communication No new bridge, &c., within a certain distance.

Penalty.

Proviso as to  
fords.Wilfully dis-  
troying bridge  
to be felony.Bridge to be  
kept in good  
repair.Provision if it  
becomes un-  
safe.Her majesty's  
rights saved.Enforcement  
of penalties.

communication for the carriage of any person, cattle or carriage whatsoever, for hire, across the said branch of the River Yamaska, at the place above mentioned, anywhere within one mile above and one mile and a half below the said bridge, under penalty of a fine of forty shillings, currency, for each person, animal or carriage conveyed across the said river on any bridge or means of communication constructed and maintained for hire; provided that nothing in this Act shall be construed to deprive the public of the right of crossing the said river within the limits aforesaid, by fording, or in canoes or otherwise, without payment.

**11.** If any person shall maliciously pull down, burn, destroy, or injure the said bridge, or any part thereof, or the toll-house, toll-gate, or other dependencies to be erected by virtue of this Act, every person so offending, and thereof legally convicted, shall be deemed guilty of felony.

**12.** The said Hilaire Théberge shall be bound to keep and maintain the said bridge and dependencies in good repair, so as to afford a safe and convenient passage for travellers, cattle, and vehicles; and in case the said bridge shall at any time become impassable or unsafe, the said Hilaire Théberge, his heirs and assigns, shall, and they are hereby required, within one year from the time at which the said bridge shall, by the Court of Queen's Bench in the exercise of its criminal jurisdiction, in and for the said District of St. Hyacinth, be ascertained to be impassable or unsafe, and notice thereof to them by the said Court shall have been given, to cause the same to be made safe and commodious for the passage of travellers, cattle, and carriages; and if within the time last mentioned the said bridge be not repaired or rebuilt, as the case may require, then the said bridge, or such part thereof as shall be remaining, shall be and be taken and considered to be the property of Her Majesty, and the said Hilaire Théberge and his assigns shall cease to have any right, title, or claim of, in, or to the said bridge.

**13.** Nothing in this Act, or in any provision thereof, shall extend to diminish or extinguish the rights and privileges of Her Majesty the Queen, Her Heirs and Successors, nor of any person or persons, body politic or corporate, in any of the things therein mentioned, except as to the power and authority hereby given to the said Hilaire Théberge.

**14.** The penalties hereby inflicted shall, upon proof of the offence respectively before any one or more of the Justices of the Peace for the said District of St. Hyacinth, either by the confession of the offender or by the oath of one or more credible witnesses, (which oath such Justices or either of them are hereby empowered to administer,) be levied by distress and sale of the goods and chattels of such offender, by warrant signed

signed by such Justice or Justices of the Peace ; and one-half of such penalties respectively shall belong to Her Majesty, and the other half to the person suing for the same ; and the proceedings in such cases shall be conducted in conformity with the provisions of Chapter one hundred and three of the Consolidated Statutes of Canada, " respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders."

Application of penalties.

**15.** The moneys to be levied by virtue of this Act, and not hereinbefore granted to the said Hilaire Th  berge, his heirs and assigns, and the several fines and penalties hereby inflicted, shall be, and the same are hereby reserved to Her Majesty, Her Heirs and Successors, for the public uses of this Province and the support of the Government thereof.

Fines, &c., reserved.

**16.** Provided always, that the said bridge shall be erected as follows : one hundred and eighty feet in length, eighteen feet in breadth, with an opening of fifty feet between each pier, and that the piers shall be not less than thirty feet in height.

Dimensions of Bridge.

**17.** This Act shall be deemed a Public Act.

Public Act.

### C A P . X X X I I I .

An Act to amend the Charter of the Ecclesiastical Society of the Diocese of St. Hyacinth.

[Assented to 5th May, 1863.]

**W**HEREAS certain members of the Ecclesiastical Society of the Diocese of St. Hyacinth have expressed doubts as to the Interpretation of the proviso to the first section of the Act incorporating the said society ; and whereas the said proviso seems, in their opinion, to exclude them from the said corporation, because they have left the limits of the Diocese of St. Hyacinth : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

**1.** The proviso to the first section of the Act passed in the twenty-fifth year of Her Majesty's reign, chaptered eighty-nine, and intituled: *An Act to incorporate the " Soci  t   Eccl  siastique du Dioc  se de St. Hyacinthe,"* is hereby repealed, and the following proviso is substituted in lieu thereof : " Provided that the corporation of the said society shall consist of ecclesiastics belonging, or who have belonged, to the Diocese of St. Hyacinth."

Proviso added to sect. 1 of cap. 85, 25 Vict.

**2.** This Act shall be deemed a Public Act.

Public Act.

## C A P . X X X I V .

An Act to incorporate the Jewish Congregation *Anshe-Sholem* of Hamilton.

[Assented to 5th May, 1863.]

Preamble.

**W**HEREAS the Members of the Hebrew Benevolent Society *Anshe-Sholem* of Hamilton, hereinafter named, have by their petition set forth that they have in contemplation the erection of a Synagogue and have prayed to be incorporated, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

**1.** Jacob Frey, Isaac Levy, Henry Zinshermer, Samuel Desbecker, Leopold Rosenband, Daniel Shire, Simon Shire, Leopold Loeb, Isaac Shire, William Loeb, Mendel Levy, Abraham Levy, Iberman Levy, Jonas Draenger, Solomon Ungar, H. Wolf, Bernhard Weinberg, Abraham Saimon and Louis Daniels, together with such other persons as may hereafter become members of the said Society, shall be and they are hereby constituted a Body Corporate and Politic under the name of the Jewish Congregation *Anshe-Sholem*, of Hamilton, and by that name shall have power, from time to time, and at any time hereafter, to purchase, hold, possess and enjoy, for themselves and their successors, Lands and Hereditaments in Upper Canada not exceeding the value of Five Thousand Pounds, for the purposes of a Synagogue and Schools and other buildings requisite for the use of the said Congregation, and also for a burying-ground, and from time to time to sell, alienate and dispose of the said lands and hereditaments and to purchase and acquire other lands and hereditaments instead thereof, for the same purposes, and from time to time as occasion may require to mortgage or charge the said lands and hereditaments, or any part thereof.

Corporate name and powers.

Real property.

Officers of Corporation.

**2.** The officers of the said Congregation shall consist of a President, a Vice-president, a Treasurer and a Secretary, who shall be elected by Ballot by the members for the time being of the said congregation annually, at the annual general meeting to be held on the first day of October in every year, or on such other day as may be appointed by the by-laws of the said congregation; and the officers so appointed shall have the right to exercise such powers and authorities for the due management and administration of the affairs of the congregation as may be conferred upon them by the regulations and by-laws of the said congregation.

Powers.

Present officers continued.

**3.** The present officers of the said Society shall continue in office until their successors shall be appointed at the first annual

annual meeting of the said congregation to be held next after the passing of this Act.

4. It shall be lawful for the said corporation to make and establish all such rules, regulations and by-laws as they may consider requisite and expedient for the interest and administration of the affairs of the said congregation, and for the admission and expulsion of members, and for the mode of filling any vacancies occasioned by the death, removal or absence of any of the officers of the congregation, and to amend and repeal the same from time to time in whole or in part; provided always that such rules, regulations and by-laws shall not be inconsistent with this Act, nor with the laws for the time being in force in Upper Canada.

Making By-laws.

Proviso.

5. This Act shall be deemed a Public Act.

Public Act.

C A P . X X X V .

An Act to incorporate *Les Sœurs de la Charité de la ville de Lévis.*

[Assented to 5th May, 1863.]

WHEREAS there has existed for many years in the Town of Lévis, in the County of Lévis, in this Province, a religious community, known by the name of *Les Sœurs de la Charité de la ville de Lévis*, 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 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:

Preamble.

1. Mesdames M. E. Celina Roy, Superior of the said community, Mary Ann Bennett, Assistant, Marceline Baillargeon, Directress of Studies, M. Ludivine Noel, Depositary, M. Henriette Michaud, First Hospitaller, and such other persons as shall become members of the said community, and fill the aforesaid offices, and reside in the said town of Lévis, shall be and are hereby constituted a corporation, by the name of *Les Sœurs de la Charité de la ville de Lévis.*

Incorporation.

Members.

Name.

2. The said Corporation shall have perpetual succession; and three of the members thereof, 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

Management of corporation.

By-laws.

this

Property.

Real property limited.

Excess of real property to be disposed of.

Investment of proceeds.

Application of the Revenues of the Corporation.

Reports to Government.

Public Act.

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 land or other property movable or 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; and the said corporation may further acquire any other real estate, or any interest therein, by purchase, gift, devise or bequest, so as the same does not exceed the like annual value of five thousand dollars; and may hold such real estate or interest therein for a period of not more than seven years; and the same, or any part or portion thereof, or interest therein, which may not within the said period have been alienated or disposed of shall revert to the party from whom the same was acquired, his heirs or other representatives; and the proceeds of such property as shall have been disposed of during the said period may be invested in the public securities of the Province, stocks of chartered Banks, mortgages or other approved securities, for the use of the corporation.

**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 in and to the advancement of education and of the other works of charity in which the said *Sœurs de la Charité de la ville de Lévis* are engaged, according to the rules of their Order, as well as in and to the construction and repair, or hiring, of the necessary buildings for the purposes of the Corporation, for the benefit as well of the principal establishment already existing in the Town of Lévis as of the branch establishments which may hereafter be formed in the said Town of Lévis and in the Parish of *Notre Dame de la Victoire*.

**4.** The said Corporation shall make a report to the Provincial Government, in the month of January in each year, showing 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.

**5.** This Act shall be a Public Act.

## CAP. XXXVI.

## An Act to incorporate the St. Patrick's Society of Montreal.

[Assented to 5th May, 1863.]

**W**HEREAS Thomas McKenna, Edward McKeown, Denis Downy, W. P. McGuire, J. J. Curran, Patrick O'Meara, M. Cuddihy, Daniel Lyons, P. Jordan, John H. Duggan, F. B. McNamee, O. J. Devlin, A. Brogan, Richard McShane, P. Mullin, J. E. Mullin, B. Devlin, Wm. Mansfield, M. Doherty and others have, by their petition to the Legislature, represented that the society of which they are members, known as the "St. Patrick's Society of Montreal," has for many years been organized for benevolent and other purposes; And whereas they have prayed by the said Petition that for the better attainment of the objects of the said Society it may be invested with corporate powers, and by reason of the good effected by the said Society 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 said Thomas McKenna, Edward McKeown, Denis Downy, W. P. McGuire, J. J. Curran, P. O'Meara, M. Cuddihy, Daniel Lyons, P. Jordan, John H. Duggan, F. B. McNamee, O. J. Devlin, A. Brogan, Richard McShane, P. Mullin, J. E. Mullin, B. Devlin, William Mansfield, M. Doherty and such other persons as now are members of the said society, or shall hereafter become members thereof under the provisions of this Act and the by-laws made under the authority thereof, shall be, and they are hereby constituted a body politic and corporate by the name of the "Saint Patrick's Society of Montreal," and by that name shall have perpetual succession, and all the powers vested in corporations generally by the Interpretation Act, and shall have power to purchase, take, receive, hold and enjoy such real estate as may be required for the actual occupation of the said corporation, and to alienate, sell, convey, lease, and otherwise dispose of the same or any part thereof, from time to time, as the occasion may require, and to acquire other in the stead thereof; provided always, that the clear annual income of the real estate held by the corporation at any one time shall not exceed five thousand dollars.

Certain persons incorporated.

Corporate name and powers.

**2.** The affairs and business of the said corporation shall be managed by a committee of management, consisting of a President, a first and second Vice-President, a Treasurer, a Corresponding Secretary, a Recording and Assistant Recording Secretaries, and eighteen members chosen by the Society, and to be duly elected annually at the annual meeting of the said Corporation held in conformity to the by-laws thereof, and any five members of the said committee called together by proper authority

Officers, &amp;c., of Corporation.

Quorum.

authority shall constitute a quorum thereof for the despatch of business.

Corporation  
may make  
By-Laws.

**3.** It shall be lawful for the said corporation to make by-laws for the admission and expulsion of members and for the proper administration of the affairs of the corporation and to repeal and amend the same from time to time in accordance with the provisions of the by-laws of the corporation in that behalf.

Present by-  
laws continued  
until altered.

**4.** The by-laws of the said society, in so far as they are not repugnant to the laws of this Province, shall be the by-laws of the corporation hereby constituted, until they shall be repealed, or altered, as aforesaid.

Present offi-  
cers conti-  
nued.

**5.** Until others shall be elected according to the by-laws of the said corporation, the present officers of the society shall be those of the corporation constituted by this Act.

Deeds of Cor-  
poration.

**6.** All deeds signed by the President, Treasurer and the Recording Secretary, and sealed with the common seal of the corporation, and none other, shall be held to be deeds of the corporation, but the Recording Secretary of the said society may receive all moneys payable to the said corporation and grant valid receipts therefor.

Witnesses.

**7.** No person otherwise competent to be a witness in any suit, action or prosecution, in which the said corporation may be engaged, shall be deemed incompetent to be such witness by reason of his being or having been a member or officer of the said corporation.

Subscrip-  
tions— how to  
be collected.

**8.** All subscriptions of members due to the corporation under any by-law, all penalties incurred under any by-law by any person bound thereby, and all sums of money due to the corporation, shall be paid to the Recording Secretary thereof, and in default of payment may be recovered in any action brought in the name of the corporation in any court of competent civil jurisdiction; provided that nothing herein contained shall prevent any member from withdrawing from the said Society after payment of all arrears and due notice in writing having been by such member given of his intention so to withdraw from the said corporation, in accordance with the by-laws of the said society.

Proviso: mem-  
bers may re-  
tire.

Reports to  
Governor.

**9.** The said corporation shall at all times when required so to do by the Governor, or either branch of the Legislature, make a full return of all property, real and personal, held by it, with such details and information as may be by the Governor or either branch of the Legislature demanded.

Public Act.

**10.** This Act shall be deemed a Public Act.

C A P . X X X V I I .

An Act to incorporate the St. Patrick's Benevolent Society of Montreal.

[Assented to 5th May, 1863.]

**W**HEREAS an association under the name of "The St. Patrick's Benevolent Society of Montreal" 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 insuring of like assistance and other advantages to the widows and children and widowed mothers of deceased members; and whereas the members of the said association have prayed to be incorporated with certain powers, 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.** John Brown, Thomas Brennan, James O'Farrell, Felix Cassidy, Myles Murphy, Michael Bergin, Thomas Driscoll, Thomas Bough, John McGrath, M. J. McAndrew, J. U. Kennedy and Arthur Feron, together with such other persons as now are or may hereafter become members of the said Society, 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 "The St. Patrick's Benevolent Society of Montreal," and by that name shall have power, from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real or immoveable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said Corporation, and the said property to hypothecate, sell, alienate, and dispose of and to acquire other instead thereof, for the same purposes, so as the yearly value of such property does not at any time exceed ten thousand dollars; and any majority 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 interest of the said corporation and for the admission of members thereof, and the same, as also such By-laws and Regulations of the Institution as may be in force at the passing of this Act, to amend and repeal from time to time, in whole or in part.

Incorporation.

Corporate name.

Real estate.

Yearly value limited.

By-laws.

**2.** Provided always, that the rents, revenues and profits arising out of every description of 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

Application of Revenues of the Corporation.

the purposes of the said corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Committee of management and officers.

**3.** The affairs and business of the said corporation shall be managed by a Committee of Management composed of the officers of the said corporation, consisting of a Reverend Director, a President, a first and second Vice-President, a Secretary, an Assistant-Secretary, a Treasurer, a Collecting-Treasurer, an Assistant-Collecting-Treasurer and a Grand Marshal.

Property of present society transferred to Corporation.

**4.** All real and personal estate at present the property of the Association, or which may be hereafter acquired by the members 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.

By-laws continued until altered.

Competency of members as witnesses.

**5.** No person otherwise competent to be a witness in any suit, action, or prosecution in which the said corporation may be a party or interested, shall be deemed incompetent to be such witness by reason of his being or having been a member or officer of the said corporation or association.

Recovery of subscriptions.

**6.** All subscriptions of members due to the corporation under any by-law, all penalties incurred under any by-law, by any person bound thereby, and all other sums of money due to the corporation, shall be paid to the Treasurer thereof, and in default of payment, may be recovered in any action brought by him in the name of the corporation in any Court of competent civil jurisdiction; Provided always, that nothing herein contained shall prevent any member from withdrawing from the said corporation, at any time, after payment of all arrears due to the said corporation by him, and after having given written notice of his intention to withdraw from the corporation to the Secretary.

Proviso: Members may withdraw.

Returns to Government.

**7.** The corporation shall, at all times, when thereunto required by the Governor, or by either branch of the Legislature, make a full return of their property and of their receipts and expenditure, for such period, and with such details and other information as the Governor or either branch of the Legislature may require.

Public Act.

**8.** This Act shall be deemed a Public Act.

## C A P. X X X V I I I .

An Act to incorporate the Union St. Jean Baptiste of the Village of St. Jean Baptiste, in the Parish of Montreal.

[Assented to 5th May, 1863.]

**W**HEREAS an Association, under the name of the Union St. Jean Baptiste, has existed for some time past, in the village of St. Jean Baptiste, 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:

**1.** Frederic Tessier, Adolphe Normandin, Joseph Laverdure, Paul Girard, jr., Elzear Lecompte, Paul Rose, Paul Laverdure, Paul Lemay dit Delorme, Pierre Cérat, Adolphe Normandin, F. X. Caron, Charles Bourque, Alphonse Bastien, Felix St. Amour, Joseph Rodier, Elie Denis, Antoine Fournier, Joseph Alard, Edouard Girard, Joseph Duclos, Cyrille Dazé, Joseph Paris, Jeremie Poirier and Etienne Francœur, 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 the *Union St. Jean Baptiste of the Village of St. Jean Baptiste*, and by that name shall have power, from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real or immoveable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said Corporation, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes; and any majority 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 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 and matters appertaining to the said Corporation, and to the government and management thereof,

Preamble.

Certain persons incorporated.

Corporate name and general powers.

Real property.

Majority to make by-laws for certain purposes.

Further powers of majority.

in

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.

Appropriation of revenues for certain purposes only.

**2.** Provided always, that the rents, revenues and profits arising out of every description of moveable property belonging to the said Corporation, shall be appropriated and employed exclusively for the benefit of the members of the said Corporation, and for the erection and repair of the buildings necessary for the purposes of the said Corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Property 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.

Also liabilities.

Corporation to appoint Officers, &c.

**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.

Powers of Officers.

Annual Report to the Legislature.

**5.** The said Corporation shall be bound to make annual Reports to the Legislature, containing a general statement of the affairs of the Corporation, which said reports shall be presented within the first twenty days of every Session of the Legislature.

Public Act.

**6.** This Act shall be deemed a Public Act.

## C A P. XXXIX.

An Act for the relief of the Devises of the late Honorable Charles Jones.

[Assented to 5th May, 1863.]

**W**HEREAS Frederick Jones, of the Town of Brockville, in the County of Leeds, and Province of Canada, Gentleman, Anson Jones, of the same place, Gentleman, John Squire Martin, of the same place, Gentleman, Henrietta Martin, his wife, Mary Ann Jones, of the same place, widow and devisee of Charles Edward Jones, late of the same place, Gentleman, now deceased, and Florella Jones, of the same place, widow, have presented their petition stating amongst other things that the said Frederick, Anson, Henrietta and Charles Edward, were children, and the said Florella, widow of the Honorable Charles Jones, late of the town of Brockville aforesaid, now deceased, and that the said Honorable Charles Jones died seized of valuable real estate in Upper Canada, and before his death duly made and published his last will and testament bearing date the twenty-sixth day of June, one thousand eight hundred and forty, in manner sufficient to pass such real estate, and died without revoking the same, whereby amongst other things he devised as follows:—" I further give, " devise and bequeath to my said wife Florella for and during " her natural life, the dwelling house and lot, with the appurtenances thereunto belonging, on which I now reside, the " said house and fences to be put in good tenantable repair, " and to be insured against fire by my said Executors, from " and out of my estate. And further, I give and bequeath to " my said wife all books purchased by herself or in boards, " and the remainder of my books I give to her with the maps, " during her natural life, and after her decease I give the " same to my son Ormond: but in case my said wife shall " survive my said son Ormond, then I give her all my books " for her use and to dispose of to my other children as she " may think proper. I give and devise all my real estate of " what nature or kind soever, (including my said dwelling house " and premises after the decease of my said wife,) to Henry " Jones, of Brockville aforesaid, Esquire, my brother Alpheus " Jones, of Prescott, Esquire, and David B. Ogden Ford, of " Brockville aforesaid, Esquire, their heirs and assigns forever, upon the trusts, and to and for the ends, intents " and purposes hereinafter mentioned, that is to say: upon " trust to sell so much thereof as they shall think proper either " upon credit or for ready money, and to pay out the proceeds " of such sales in aid of my personal estate or a sufficient " portion thereof until a fund shall be accumulated to meet all " charges placed upon my estate after payment of my debts, " by investing such proceeds in Government debentures, Bank " Stock, Mortgage upon real estate, or other security, real or " personal; and as to the residue of my real estate, upon trust

Preamble.

Recital of will and Acts of executors and Trustees under it.

" to

" to divide the same into six portions as nearly equal as possible, one portion whereof my said Trustees shall convey, transfer and assign to my son Ormond Jones, his heirs and assigns for ever, four other portions, whereof my said Trustees shall convey, transfer and assign to my said wife Florella and her assigns for ever, in trust for her the said Florella, my said wife, to convey, transfer, assign, or devise in fee simple to my younger children Frederick, Charles Edward, Henrietta and Anson, or either of them, at such times and in such portions as she in her discretion may deem right and proper, or sell and dispose of such portions thereof as shall be required for the support, education or advancement in business of any such child respectively. And in case my said wife Florella having received from my said Trustees a conveyance or assignment of any such real estate, in manner hereinbefore provided, shall depart this life without disposing of, assigning or devising the said estate or any part thereof in manner aforesaid, then the said four portions of my said real estate or so much thereof as shall not be disposed of, assigned or devised, shall by my said Trustees be divided among my said four last mentioned children or such of them as shall survive my said wife Florella, share and share alike, and all the children of any of my said last mentioned children deceased, taking the share of the deceased parent, to be held by them in fee simple as aforesaid, share and share alike."

Recital continued.

And also stating by the said petition, that the said Henry Jones, Alpheus Jones and David B. Ogden Ford, with a view of conveying to the said Florella Jones, the four portions of the residue of the said real estate upon the trusts in the said will mentioned, as they were thereby directed, by a certain Indenture dated the thirteenth day of March, in the year of Our Lord one thousand eight hundred and forty-eight, and made between the said Henry Jones, Alpheus Jones, and David B. Ogden Ford, of the one part, and the said Florella Jones of the other part, whereby, after reciting amongst other things the said Will, and that they, the said Trustees, had bargained and sold certain portions of the real estate so devised to them, and had paid and advanced out of the proceeds of such sales on account of the respective shares of the said Frederick, Charles Edward, Henrietta and Anson, of the said estate, either to the said Florella or to them respectively at her request, or with her sanction, certain sums of money, and that by virtue of the powers of said Will they had paid to Okill Jones, another son of said Honorable Charles Jones, on account of his share of said estate, certain goods, chattels, effects and moneys, and that they had advanced to Ormond Jones, another son of said Honorable Charles Jones, on account of his share of said estate, certain goods, chattels, effects, and moneys, and that they had made a division of the residue or certain of the estate of the said Honorable Charles Jones, remaining in their hands to be divided, as far

far as the same at that time could be done into six portions, as nearly equal as possible, and that in such division the lots, tracts, or parcels of land and other premises or property therein-after mentioned and conveyed or intended to be conveyed thereby to the said Florella Jones, were selected or allotted for and on account of the said four portions or shares of the said estate so directed to be conveyed to the said Florella Jones as aforesaid, and that such division having been made it was desirable and proper that the lands and premises so selected or allotted on account of the said four shares or portions, should be conveyed to the said Florella Jones, in pursuance of the provisions of and for the purposes mentioned in the said Will, they assumed to grant, bargain, sell, alien, release, transfer, assign, convey and confirm unto the said Florella Jones and her assigns for ever, as fully and effectually to all intents and purposes as they had power to do by virtue of the said Will or any demise, power or authority therein mentioned and described, to have and to hold unto the said Florella Jones and her assigns for ever, as fully and effectually to all intents and purposes whatever as the said Florella Jones or her assigns could or might, or of right ought to have, hold, possess or enjoy the same, the said lands and premises, under and by virtue of those presents, upon and for the trusts, intents and purposes mentioned and declared in and by the said last will and testament of and concerning the said Four portions so directed to be conveyed, transferred and assigned to the said Florella as aforesaid, that is to say in trust for her the said Florella to convey, transfer and assign or devise in fee simple to his the said Honorable Charles Jones's younger children, Frederick, Charles Edward, Henrietta and Anson, aforesaid, or either of them, at such times and in such portions as she in her discretion might deem right and proper, or to sell and dispose of such portions thereof as should be required for the support, education, or advancement in business of any such child respectively, and also upon and for, and subject to any and all other trusts, intents, ends, purposes, terms and provisions made, mentioned, declared or expressed in or by the said last will and testament, of concerning or touching the said Four portions of the said lands and premises or any part thereof, or whereby the same or any part thereof could or might be in any manner affected, divided, settled or disposed of.

And also, stating by the said petition that the said Florella Jones conveyed certain portions of the said lands and premises to the said Frederick, Charles Edward, Henrietta and Anson, in pursuance of the said will and the said conveyance to her, and that the said Frederick, Charles Edward, Henrietta and Anson, have respectively conveyed portions of the said lands and premises so conveyed to them respectively to various parties; and that some of them are desirous of conveying more of the same, but doubts have arisen as to their title, inasmuch as the said conveyance by the said trustees to the said Florella Jones

Recital continued.

Jones does not contain any words of inheritance, and that it is alleged that only a life estate was thereby conveyed to her, and that inasmuch as the said trustees Henry Jones and David B. Ogden Ford are deceased, and the intellect of the said remaining trustee Alpheus Jones has become too weak by advanced age to execute a deed, so that the supposed defect cannot be remedied by the said surviving trustee, and they have prayed that an Act may be passed declaring and enacting that the lands, tenements and hereditaments mentioned and described, and intended to be conveyed in or by the said indenture made by the said trustees of the one part and the said Florella Jones of the other part, were conveyed in fee simple by the said indenture to the said Florella Jones, upon the trusts therein, and in the said last will and testament mentioned and expressed in relation thereto; And whereas it is expedient to remove such doubts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Florella Jones had power to convey in fee simple.

1. Under and by virtue of the said will, and of the said indenture of the thirteenth day of March one thousand eight hundred and forty-eight, the said Florella Jones, from and after the execution of the said indenture, had full power and authority to convey in fee simple the lands, tenements and hereditaments mentioned and described, and intended to be conveyed in and by the said indenture, upon the trusts therein mentioned.

Public Act.

2. This Act shall be deemed a Public Act.

## C A P. X L.

An Act to authorize the sale of the immovable property of the late Harriot Judith Hart.

[Assented to 5th May, 1863.]

Preamble.

**W**HEREAS the representatives of the estate of the late Harriot Judith Hart are possessed, as well under her will as under the will of the late Benjamin Hart, her husband, of certain real property in certain parts of Lower Canada, which it is expedient should be sold for the benefit of all parties concerned; and whereas doubts exist as to their right to sell the said real property, and the said representatives have petitioned for an Act to remove such doubts, and it is expedient to grant the prayer of the said Petition and to enact as hereinafter it is enacted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

A Curator to be appointed

1. A Curator may be appointed to the estate and succession of the said Harriot Judith Hart, for the purpose of selling the said

said real property, upon the Petition of any of her universal usufructuary legatees, of which petition such notice shall be given as may be ordered by the Judge on the presentation of the petition for such appointment. to sell the property.

2. Such Curator shall have power from time to time to sell the whole or any part of the immovable property appertaining to the said estate and succession, whether the same hath accrued to the representatives of the said late Harriot Judith Hart, or to her estate, under her last will and testament, or under the last will and testament of her said late husband, executed before H. J. Meyer and his colleague, Notaries, on the eleventh day of June, one thousand eight hundred and fifty-two, and whether their property therein be absolute or usufructuary, for such prices as he may consider expedient and just. Power to sell.

3. The proceeds arising from the sale of the said immovable property or any part thereof, shall be left as a first mortgage and *hypothèque* upon the property sold, or shall be collected and invested by the said Curator, subject to the approval of one of the Judges of the Superior Court for Lower Canada, for the benefit of the universal usufructuary legatees of the late Harriot Judith Hart, to be disposed of amongst them in the proportions established by her said last will and testament, and the revenues and interest thereof shall be paid to them during the natural lifetime of each, and the capital shall belong to the universal legatees *en propriété* at the termination of the usufruct. How the proceeds are to be dealt with.

4. This Act shall be deemed a Public Act. Public Act.

## C A P. X L I.

An Act respecting affidavits, declarations and affirmations made out of this Province, for use therein.

[Assented to 12th May, 1863.]

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

1. The Governor in Council may, by one or more commission or commissions under his hand and seal, from time to time, empower such and as many persons as he may think fit and necessary, to administer oaths and take and receive affidavits, declarations and affirmations in the United Kingdom of Great Britain and Ireland, or any Colony or dependency thereof, in or concerning any cause, matter or thing depending or in anywise concerning any of the proceedings to be had in the Courts of Queen's Bench and Common Pleas, the Superior Court, Governor in Council may appoint Commissioners for taking affidavits, &c., in the United Kingdom, to be used in Canada.

Use of such affidavits, &c.

Court, and the Court of Chancery, or any other Court of Law or Equity of Record in this Province, whether now existing or hereafter to be constituted; and every oath, affidavit, declaration or affirmation taken or made as aforesaid, shall be as valid and effectual, and shall be of the like force and effect to all intents and purposes, as if such oath, affidavit, declaration or affirmation had been administered, taken, sworn, made or affirmed before a Commissioner for taking affidavits therein, or other competent authority of the like nature.

Style of Commissioners.

2. The Commissioners so to be appointed shall be styled "Commissioners for taking affidavits in and for the Canadian Courts."

Affidavits to be used in Canada may be made before certain functionaries in the United Kingdom or foreign parts.

3. Oaths, affidavits, affirmations or declarations administered, sworn, affirmed or made, out of Canada, before any Commissioner authorized by the Lord Chancellor to administer oaths in Chancery in England, or before any Notary Public, certified under his hand and official seal, or before the Mayor or chief Magistrate of any City, Borough or Town Corporate in Great Britain or Ireland, or in any Colony of Her Majesty, or in any foreign country, and certified under the common seal of such City, Borough or Town Corporate, or before a Judge of any Court of supreme jurisdiction in any Colony belonging to the Crown of Great Britain, or any dependency thereof, or before any Consul, Vice-Consul, Acting Consul, Pro-Consul or Consular Agent of Her Majesty exercising his functions in any foreign place, for the purposes of and in or concerning any cause, matter or thing depending, or in anywise concerning any of the proceedings to be had in the said Courts, shall be as good, valid and effectual, and shall be of like force and effect to all intents and purposes, as if such oath, affidavit, affirmation or declaration had been administered, sworn, affirmed or made in this Province before a Commissioner for taking affidavits therein, or other competent authority of the like nature.

Seal and signature to such affidavits need not be proved.

4. Any document purporting to have affixed, impressed, or subscribed thereon or thereto the signature of any such Commissioner, or the signature and official seal of any such Notary Public, or the seal of the Corporation and the signature of any such Mayor or chief Magistrate as aforesaid, or the seal and signature of any such Judge, Consul, Vice-Consul, Acting Consul, Pro-Consul or Consular Agent, in testimony of any such oath, affidavit, affirmation or declaration having been administered, sworn, affirmed or made, by or before him, shall be admitted in evidence without proof of any such signature or seal and signature being the signature or the seal and signature of the person whose signature or seal and signature the same purport to be, or of the official character of such person.

Such affidavits, &c., may be

5. Any affidavit, declaration or affirmation proving the execution of any Deed, Power of Attorney, Will, or Probate or Memorial

Memorial thereof, for the purpose of registration in this Province, may be made before a Commissioner appointed under this Act, or other person authorized hereby to administer or take oaths, affidavits, declarations and affirmations.

used for Registration.

6. No informality in the heading or other formal requisites to any affidavit, declaration or affirmation made or taken before any Commissioner or other person under this Act, shall be any objection to its reception in evidence, if the Court or Judge before whom it is tendered think proper to receive it.

Informal headings, &c., not to invalidate.

7. If any person shall tender in evidence any such document as aforesaid with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall be subject to the punishment by Law provided for felony.

Tendering document with false Seal, &c., to be felony.

## C A P . X L I I .

An Act to amend the law as respects persons dying in any Provincial Lunatic Asylum.

[Assented to 12th May, 1863.]

**W**HEREAS it is expedient to amend the enactments now in force in Upper Canada, as respects inquests upon the bodies of persons dying in any Provincial Lunatic Asylum, and the disposal of the bodies of persons so dying, so as to make the law, in that behalf, uniform throughout the Province: 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 second section of chapter one hundred and twenty-five of the Consolidated Statutes for Upper Canada, or of any other Act or Law, as would require that a Coroner's Inquest should be held upon the body of every prisoner or other lunatic confined in any Provincial Lunatic Asylum, and dying therein, is hereby repealed; and no inquest shall be held on the body of any such person by any Coroner, unless and until it has been made to appear to such Coroner that there is reason to believe that the deceased died of violence or unfair means, or by culpable or negligent conduct, either of himself or of others, under such circumstances as require investigation, and not through mere accident or mischance.

Sect. 2, of cap. 125, Con. Stat. U. C., amended.

Inquests to be held only in cases where required by the general law.

2. So much of the second section of chapter seventy-six of the Consolidated Statutes of Canada as would, in certain cases, require that the body of any person dying in any Provincial lunatic asylum, should be delivered to the persons qualified to receive the same under section three of the said Act, is hereby repealed, and the body of any person so dying shall be decently interred.

Sect. 2, of cap. 76, of Con. Stat. Can., amended.

## CAP. XLIII.

An Act to amend *An Act in relation to Fire Insurance Companies not incorporated within the limits of this Province.*

[Assented to 12th May, 1863.]

Preamble.

23 V. c. 33.

WHEREAS it is expedient to amend the Act of the Legislature of this Province, passed in the twenty-third year of Her Majesty's reign, intituled: *An Act in relation to Fire Insurance Companies not incorporated within the limits of this Province*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sect. 1, of the said Act, to extend to certain Companies, &c.

1. The first section of the said Act shall be held to include any Fire Insurance Company, Society, Association, or Partnership, whether incorporated or not, other than those incorporated by Statute of this Province, or of either of the late Provinces of Upper or Lower Canada.

Power of Attorney, how verified.

2. The power of attorney, referred to in the fifth section of the said Act, may be verified by the oath of any person cognizant of the facts necessary for its verification.

Section 9 of the said act extended to certain Companies, &c.

3. The ninth section of the said Act shall be held to apply to every Fire Insurance Company, Society, Association, or Partnership, which is included in the first section of this Act, and to the agent or agents thereof.

Section 11, of 23 Vic., Cap. 33, explained and amended.

4. The eleventh section of the said Act shall be held to refer to any Fire Insurance Company required, by the said Act as hereby amended, to obtain a license in this Province; and the statement required by the said section may be made up to the usual balancing day of such company next before the filing thereof instead of the first day of July, if such balancing day be not more than one year before the filing of such statement; and such statement may be verified by the oath of any person cognizant of the facts; but no Fire Insurance Company established in the United Kingdom, and which is not bound by the laws in force there to furnish or publish statements of its affairs, shall be liable to the obligation or to the penalty mentioned in the said eleventh section, provided such company shall have secured or made a deposit, (under the second section of the said Act) of not less than one hundred thousand dollars, of which said deposit one half may be invested in the public securities of the United Kingdom, in the names of three or more of the Directors, such securities being deposited with or placed for the purposes of the said Act and of this Act, under control of the Financial Agents of this Province in London, whose certificate to that effect may be accepted by the Minister of Finance, in proof of such deposit, and all

Deposit of \$100,000, allowed by certain Companies, instead of statement.

How to be invested, &c.

all the provisions of the said Act shall apply to such last mentioned deposit; but the said companies shall publish and file with the Minister of Finance on or before the thirty-first day of January in each year, a general statement under the oath of the Secretary, Manager or Agent in Canada, specifying the character of their organization, whether the liability be limited or otherwise, the amount of their capital if limited, and how much paid in, a statement of their operations in Canada, setting forth their investments and assets therein, their losses adjusted and not due, losses in suspense and waiting for further proof, and losses the payment of which is resisted, and for what cause, and all other claims against such companies in the said Province.

Such Companies to file a general statement with the Minister of Finance.

5. And whereas by an error of the press, the words "or risks effected in this Province," are printed in the second and third sections of the Act first above cited, instead of the words "on risks effected in this Province," (the French version being correctly printed)—therefore the said sections shall be read and have effect as if the said errors had not occurred and the said word "on" had been printed in both cases instead of the word "or."

Error of the press in the said Act corrected.

6. The dividends and interest upon all investments made under the said Act or this Act, may (without the warrant of the Minister of Finance) be paid, and the coupons or certificates therefor delivered to the company or person making such investment, so long as no part of such investment shall have been taken in execution under the said Act, and so long as such investment shall not have been diminished by the withdrawal of any part thereof.

Interest and dividend on stock, &c., deposited as security, may be paid to the company.

## C A P . X L I V .

An Act to amend the Consolidated Act of Upper Canada, intituled: *An Act respecting Jurors and Juries.*

[Assented to 12th May, 1863.]

**W**HEREAS it is doubtful whether sufficient provision is made by the thirty-first chapter of the Consolidated Statutes for Upper Canada, for the selecting of Jurors in the case of a Junior County being separated from a Senior County at any other time than upon the first day of January in any year, under the general provisions of the Acts relating to the separation of Counties: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. In all cases when the separation of a Junior County from a Senior County or remaining Counties, takes place at any other time than upon, from and after the first day of January in any

Assessment Rolls, Jury Lists, &c., to continue valid

for the counties affected, respectively, after separation.

any year, under the general Law applicable to such separations, the Assessment Rolls, the Jury Lists, the Jurors' Books and the Jurors' Rolls made for the United Counties, shall, for the purposes of this Act, so far as the same apply to or contain the names of persons rated for or as resident in the Senior County or remaining Counties and in the Junior County, respectively, be the Assessment Rolls, Jury Lists, Jurors' Books and Jurors' Rolls for the said respective Counties, to all intents and purposes as if the same had been made up by and for such Counties respectively.

Provision for increasing number of names on Rolls if necessary.

2. In all such cases of separation, the Court of Quarter Sessions of the Senior County or remaining Counties, and of the Junior County, may, on the summons of the chairman, in case it may be necessary to increase the number of names on the Jurors' Rolls, meet at such time after the separation as may be convenient, and add such names to the Jurors' Rolls as may be considered to be expedient, and such Rolls shall be as valid, to all intents and purposes, as if the same had been made at the usual time and in the ordinary manner, under the said recited Act.

Clerk of the Peace for Senior County to furnish copies for Junior County.

3. The Clerk of the Peace for the County which was the Senior County before the separation, having the custody of such lists, Jurors' Books and Jurors' Rolls, shall make and deliver copies of the same respectively to the Clerk of the Peace of the former Junior County which has been separated, on demand made for that purpose; such copies shall be certified under the hand of the Clerk of the Peace delivering the same, as true copies of the originals, and be delivered within one week after such demand made, under a penalty of two hundred dollars, for the use of Her Majesty, Her Heirs and Successors.

Penalty for default.

Charges for such copies.

4. The Clerk of the Peace so receiving the same shall pay, to the Clerk of the Peace so delivering them, the like charges he is entitled to for the like services performed for his own county and office.

Sect. 51 of the Con. Stat. U. C., amended.

5. Section fifty-one of the said Act is hereby repealed and the following section is enacted in its stead and shall be read as the fifty-first section of the said Act:—*The Chairman of the Court of Quarter Sessions, the Warden, the Treasurer, the Clerk of the Peace and the Sheriff, or in his absence the Deputy Sheriff of the County, or any three of them, shall be ex officio Selectors of Jurors from the Jurors' Rolls within their respective counties.*

Ex officio Selectors of Jurors.

Act limited to U. C.

6. This Act shall apply to Upper Canada only.

## C A P . X L V .

## An Act to amend the Laws of Upper Canada affecting Trade and Commerce.

[Assented to 12th May, 1863.]

**W**HEREAS it is desirable to amend the Law of Upper Canada in certain respects affecting trade and commerce: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

**1.** No special promise to be made by any person after the passing of this Act, to answer for the debt, default or miscarriage of another person, being in writing and signed by the party to be charged therewith, or some other person by him thereunto lawfully authorized, shall be deemed invalid to support an action, suit or other proceeding to charge the person by whom such promise has been made, by reason only that the consideration for such promise does not appear in writing, or by necessary inference from a written document.

Consideration for promises to answer for another, need not be in writing.

**2.** Every person who, being surety for the debt or duty of another, or being liable with another for any debt or duty, shall pay such debt or perform such duty, shall be entitled to have assigned to him or a trustee for him, every judgment, specialty, or other security which shall be held by the creditor in respect of such debt or duty, whether such judgment, specialty or other security shall or shall not be deemed at law to have been satisfied by the payment of the debt or the performance of the duty.

Right of Sureties paying the principal debt, &amp;c., to assignment.

**3.** And such person shall be entitled to stand in the place of the creditor, and to use all the remedies, and if need be, and on proper indemnity, to use the name of the creditor in any action or other proceeding at law or in equity, in order to obtain from the principal debtor or any co-surety, co-contractor or co-debtor, as the case may be, indemnification for the advances made and loss sustained by the person who has so paid such debt or performed such duty; and such payment or performance so made by such surety shall not be pleadable in bar of any such action or other proceeding by him.

And to remedies on such assignment.

**4.** No co-surety, co-contractor or co-debtor shall be entitled to recover from any other co-surety, co-contractor or co-debtor, by the means aforesaid, more than the just proportion to which, as between those parties themselves, such last mentioned person shall be justly liable.

What only one co-surety, &amp;c., may recover from another.

**5.** All actions of account or for not accounting, and suits for such accounts as concern the trade of merchandize between merchant and merchant, their factors and servants, shall be commenced

Actions of account, &amp;c., to be commenced within six years.

commenced and sued within six years after the cause of such actions or suits, or when such cause has already arisen, then within six years after the passing of this Act; and no claim in respect of a matter which arose more than six years before the commencement of such action or suit, shall be enforceable by action or suit by reason only of some other matter of claim comprised in the same account, having arisen within six years next before the commencement of such action or suit.

As to cases where some of Joint Debtors have been within and some without U. C.

6. Where any cause of action or suit, with respect to which the period of limitation is fixed by the Imperial Act of the twenty-first year of the Reign of King James the First, chapter sixteen, section three, or by any Act now in force in Upper Canada, or any of them, lies against two or more joint debtors, the person or persons who shall be entitled to the same shall not be entitled to any time within which to commence and sue any such action or suit against any one or more of such joint debtors who shall not be without Upper Canada at the time such cause of action or suit accrued, by reason only that some other one or more of such joint debtors was or were at the time such cause or action accrued without Upper Canada.

The same.

7. And such person or persons so entitled as aforesaid shall not be barred from commencing and suing any action or suit against the joint debtor or joint debtors, or who was or were without Upper Canada at the time the cause of action or suit accrued, after his or her return to Upper Canada, by reason only that judgment was already recovered against any one or more of such joint debtors, who was not or were not without Upper Canada at the time aforesaid.

Con. Stat. U. C., c. 44 explained, as to signatures by agents.

8. In reference to the provisions of the Consolidated Statutes for Upper Canada, chapter forty-four, an acknowledgment or promise made or contained by or in a writing signed by the agent of the party chargeable thereby, duly authorized to make such acknowledgment or promise, shall have the same effect as if such writing had been signed by the party himself.

Act limited to U. C.

9. This Act shall apply to Upper Canada only.

## C A P . X L V I .

An Act to amend chapter forty-five of the Consolidated Statutes for Upper Canada, respecting Mortgages and Sales of Personal Property.

[Assented to 12th May, 1863.]

Preamble.

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

Section 1 of Con. Stat. U. C., c. 45, amended.

1. Section number one of chapter forty-five of the Consolidated Statutes for Upper Canada, intituled : *An Act respecting Mortgages*

*Mortgages and Sales of Personal Property*, is hereby amended by adding the following words to the end of the said section number one, that is to say: "And every such mortgage or conveyance shall operate and take effect upon, from and after the day and time of the execution thereof."

2. This Act and the said amendment and addition shall be held to apply to and affect all mortgages and conveyances which have been heretofore executed under and according to the provisions of the Act twentieth Victoria, chapter three, or under and according to the provisions of the said chapter forty-five of the Consolidated Statutes for Upper Canada, except in those cases which may have been heretofore adjudicated upon in any of the Courts of Law or Equity in Upper Canada, and to such cases this Act shall not apply.

To what cases this Act shall apply.

Exception.

## CAP. XLVII.

An Act to legalize and confirm a By-law of the County Council of the County of Lincoln changing the place of the County Town.

[Assented to 12th May, 1863.]

**W**HEREAS, in pursuance of an Act passed in the twenty-fifth year of Her Majesty's Reign, intituled: *An Act to enable the Rate-payers of the County of Lincoln to select a more convenient place for the County Town*, the Municipal Corporation of the County of Lincoln did pass a By-law changing the place of the County Town from the Town of Niagara to the Town of St. Catharines, upon which said By-law a vote of the Municipal Electors of the said County was taken, and upon such vote the said By-law received the assent of more than three-fourths of the said Electors; And whereas, before the said vote was taken, the said By-law was published in all the newspapers of the said County for the time required by Law, excepting the Niagara Mail, published in the Town of Niagara, in which it was published only three times instead of four; And whereas the said By-law was finally passed by the said Council, on the eleventh day of December, one thousand eight hundred and sixty-two, being over one month from the first publication thereof; And whereas the Court of Common Pleas for Upper Canada has pronounced the said By-law illegal and void by reason of the same not having been published in all the papers of the County four times previous to the final passing thereof; And whereas the Council of the said County hath petitioned for the legalizing of the said By-law, representing that great injustice will be done to the Rate-payers of the said County unless the said By-law be legalized; 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.

25 V., C. 30.

By-law for changing County Town to be valid, notwithstanding the judgment quashing it.

Public Act.

1. The By-law of the Corporation of the County of Lincoln, intituled: *A By-law for changing the place of the County Town of the County of Lincoln*, shall be held valid and legal, notwithstanding the same has been quashed by the Court of Common Pleas for Upper Canada, as aforesaid.

2. This Act shall be deemed a Public Act.

## C A P. XLVIII.

An Act to amend the Act for consolidating the debt of the town of Cobourg.

[Assented 12th May, 1863.]

Preamble.

WHEREAS the "Commissioners of the Cobourg Town Trust" have by their Petition prayed that the Act passed in the twenty-second year of Her Majesty's Reign (chapter seventy-two of one thousand eight hundred and fifty-nine) intituled: *An Act to consolidate the debt of the town of Cobourg, and to authorize the issue of debentures on the security of the town property, and for other purposes*, should be amended, and it is 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:

Sect. 6 of 22 V. c. 72 (1859) amended.

Provision for leaving a special rate to pay the charges on the Trust not otherwise provided for.

Application of proceeds.

1. All that part of the sixth section of the said Act from the commencement thereof to the words "in the first place" in the twelfth line of the said section is hereby repealed, and the following words are substituted therefor: "It shall be lawful for the Commissioners of the Cobourg Town Trust, and they are hereby required on or before the twenty-first day of June in each and every year until the whole of the Debentures aforesaid are paid off, to submit to the Corporation of the said town, a statement in writing showing the amount required (after deducting an estimated sum representing the net revenue to be produced from the Trust property after all arrears and legitimate charges upon the said trust shall have been paid) for the payment of the interest and sinking fund then due and which may become due up to and inclusive of the first day of January then next, upon all debentures issued under the said Act; and the Town Council shall thereupon and they are hereby required to impose a special rate upon all the taxable property in the said town, equal to the amount so required by the Commissioners over and above and in addition to all other rates required to be levied in such year; and the special rate shall be collected in the same manner and at the same time or times as the ordinary rates are collected; and the special rate shall be paid over by the said Corporation to the said Commissioners fortnightly, as the same shall be collected; and the unpaid balance of such special rate shall be paid over in full without any deduction whatsoever, on or before the fifteenth day

day of December in each and every year ; and any Treasurer, Collector or other municipal officer wilfully neglecting or refusing to perform or to concur in performing any official act required for the levying, collecting or paying over the said special rate, or who shall misapply or be a party to the misapplying of any portion of the same, shall be deemed guilty of a misdemeanor ; and such Treasurer, collector or other municipal officer and his sureties (if any there be) shall moreover be personally liable in an action of debt under this Act at the suit of the said Commissioners, for any sum which, by reason of such neglect, misconduct, refusal or misapplication, shall not be paid over to the said Commissioners at the times required by this Act ; and the said special rate when paid over to the said Commissioners shall be by them exclusively applied along with the rents, issues, revenues and profits of the said Trust property."

Penalty on municipal officers refusing, &c., to perform any official Act for levying such rate, &c.

2. The said Commissioners shall annually, on or within fifteen days after the thirty-first day of December, in each year, submit to the Town Council an account in detail of all moneys received and expended during the year then expired, and also a statement of all debentures issued during the year, and of all debentures outstanding, and it shall be lawful at all reasonable times and upon due notice to the Commissioners in writing, for the members of the Town Council, or any of them, or any auditor or auditors appointed by them, to examine the books, accounts and vouchers in the hands or under the control of the said Commissioners.

Commissioners to account annually to the Town Council.

3. And whereas under the provisions of an Act passed in the twenty-fifth year of Her Majesty's reign, intituled : *An Act to make further provisions relating to the Cobourg and Peterborough Railway Company*, it may be deemed expedient for the town of Cobourg to assist in the restoration of the Cobourg and Peterborough Railway, either by becoming shareholders in a new Company, or by advancing a sum of money to pay off or assist in paying off the award made or to be made under the provisions of the said Act, provided the consent of the rate-payers of the said town is first obtained in manner hereinafter directed ; Be it therefore enacted : It shall be lawful for the Town Council of Cobourg, from time to time, as they shall see fit, to issue a further amount of Town Trust debentures not to exceed twenty thousand pounds, sterling money, over and above the sum they are now authorized to issue, which debentures shall be a second charge upon the Trust property and revenues vested in the Commissioners after the interest and the sinking fund on the fifty thousand pounds sterling of debentures authorized to be issued by the said Act for consolidating the debt of the town, shall have been fully provided for ; and such further and additional debentures shall on the face thereof respectively express that they are "second class debentures secured on the property and revenues of the Town Trust," and

Recital.  
25 V. c. 58,  
recited.

Corporation of Cobourg may raise a certain sum by debentures, to assist in the restoration of the Cobourg and Peterborough Railway.

all the provisions of the said last mentioned Act and of this Act shall apply thereto, excepting only that provision shall first be made for the payment of the interest and sinking fund on the first class debentures; and the said second class debentures or the moneys that may be raised thereupon, shall be appropriated, under the direction of the Town Council, towards paying, in full or in part, the award under the said Act of the twenty-fifth year of Her Majesty's reign, either by way of loan, to be secured under the tenth section thereof, or in payment of new stock which may be subscribed by the said Town Council in a new Company under the said Act; provided in the first place one or more by-laws shall have been submitted to the rate-payers of the said town authorizing the said additional issue of debentures for the purpose or purposes aforesaid, and the same shall have been approved of by the rate-payers in manner provided by the municipal laws of Upper Canada or by any Act or Acts amending the same which may be passed during this present Session; provided always, that nothing in this Act contained shall be construed to alter, vary or change any claim, right or title which the Crown may now have or hold upon or against the said Corporation of the Town of Cobourg, if any such there be.

Proviso: By-law to be submitted to rate-payers.

Proviso: as to claims of the Crown.

Shares or other securities taken to be vested in Commissioners of Town Trust.

Proviso.

4. In the event of the Town Council taking new stock in the said Company or advancing to them a sum of money or second class debentures by way of loan under the next preceding section of this Act, the shares so subscribed and the securities to be taken for such loan shall be vested in the Commissioners of the Cobourg Town Trust as a further security to be held by them exclusively for the second class debentures so to be issued, and all dividends, interest and profits accruing from such new stock or loan shall be paid over from time to time to the said Commissioners for the purpose aforesaid; provided always that nothing herein shall prevent or incapacitate the said Town Council or the Mayor from representing the said Town Council in the direction of the said Company in respect of the new stock to be subscribed.

Public Act.

5. This Act shall be deemed a Public Act.

## C A P . X L I X .

An Act to continue in the Corporation of the County of Elgin the management and control of that portion of the London and Port Stanley Gravelled Road, lying within the limits of the Town of St. Thomas.

[Assented to 12th May, 1863.]

Preamble.

WHEREAS the Corporations of the County of Elgin and of the Town of St. Thomas have, by their petitions, represented that doubts have arisen since the incorporation of the

the

the said Town, respecting the right of property in, and the management and control of that part of the London and Port Stanley Gravelled Road, lying within the limits of the Town of St. Thomas, and having prayed for an Act to remove the aforesaid doubts, and it is expedient to grant relief to the petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. All that part of the London and Port Stanley Gravelled Road, lying within the limits of the Town of St. Thomas, together with the management and control thereof, shall be vested and continue in the Corporation of the County of Elgin, in like manner as the same was vested therein before the incorporation of the said Town, the provisions of the Act respecting Municipal Institutions, chapter fifty-four of the Consolidated Statutes for Upper Canada, or of any other Act or law to the contrary notwithstanding; and the said Corporation of the County of Elgin shall hold the same, subject to all the rights, lease or leases and liabilities existing on the other portions of the said Road lying within the said County, and without the said Town.

That part of the said road within the Town, to remain vested in and subject to the control of the County Council.

2. Notwithstanding the three hundred and thirty-sixth section of the aforesaid Act respecting Municipal Institutions, the said portion of road shall not be deemed to be, nor be the property of the said Town, nor shall the Corporation thereof be liable to repair the same, or any part thereof, or liable for any loss or damage that may accrue to any person or persons, by reason of the said portion not being kept in repair.

The said portion not to be the property of the Town.

Town corporation not liable.

3. This Act shall be deemed a Public Act.

Public Act.

## C A P . L .

An Act to establish the Boundary Lines of certain Concessions, Lots, and Side Lines, in the Township of North Dorchester.

[Assented to 12th May, 1863.]

**W**HEREAS the Corporation of the Township of North Dorchester have, by their Petition, alleged that instructions were issued by the Honorable the Commissioner of Crown Lands for this Province, to Samuel Peters, a Deputy Provincial Land Surveyor, directing him to make a verification survey of the concession line or allowance for road between concessions A and B, and of the concession line or allowance for road in front of the first concession south of the River Thames, in the Township of North Dorchester; and whereas instructions were likewise issued by the Honorable the Commissioner of Crown Lands for this Province, to William McMillan, a Deputy Provincial Land Surveyor, directing him to make a verification survey

Preamble.

survey of the concession line or allowance for road in front of the second concession south of the River Thames, and of the concession line or allowance for road in front of the first, second and third concessions respectively north of the said River Thames, in the said Township; and the said Surveyors were likewise instructed to make a verification survey of the side lines intersecting the said concessions, and of the division lines of lots embraced within the said surveys; and whereas the said Samuel Peters and William McMillan did, in due course, make their returns to the said instructions, and did thereby, in and by their said verification surveys and plans thereto, fix and determine the lines and boundaries of the said concession lines or allowance for road, and of the said lots; and whereas the said Corporation have prayed that the said surveys may be established and confirmed, and it is expedient to give legal effect to the said returns, plans and surveys, so that no disquietude may be caused through the apprehension of future litigation or difficulty: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Verification  
Surveys, &c.,  
of Peters and  
McMillan  
confirmed.

1. The said verification surveys, returns and plans of the said concession lines or allowances for road, side lines, and division lines of lots in the said Township of North Dorchester, made by the said Samuel Peters and William McMillan, respectively, shall be and are hereby declared to be in accordance with the correct and original survey of the said concession lines, allowances for roads, side lines and lots; and further, all and every the proprietors of lots included in the said concessions, described and drawn in the said verification surveys, or affected by the same, shall be, and are hereby declared to have been and to be the rightful and true-owners of the said lots as included within the said surveys, and as fully entitled thereto as if the said lots had been described in the Patents therefor in the same manner as they are bounded, described and shown in the said surveys, returns and plans of the said Samuel Peters and William McMillan, respectively; Provided, that in case any party should by reason of this Act suffer any injury or damage, such party shall be compensated by the party or parties benefited by such change; the compensation so to be paid, and the persons to pay and receive the same, shall be ascertained and determined by a sworn Surveyor, to be appointed by the Commissioner of Crown Lands, and his decision, when approved of by the Commissioner of Crown Lands, shall be final and may be enforced by action or suit in any Court of Law or Equity of competent jurisdiction.

Proviso: parties benefited to indemnify parties losing.

Preamble.

2. This Act shall be deemed a Public Act.

## C A P. L I.

An Act to authorize the Corporation of the Township of St. Vincent, to impose and collect certain tolls, and for other purposes.

[Assented to 12th May, 1863.]

**W**HEREAS the Municipal Council of the Corporation of the Township of Saint Vincent have, by their petition, represented, that under the direction and superintendence of an engineer appointed by the Government, they erected a pier or wharf at the Village of Meaford, in the said Township of St. Vincent, on certain water lots granted by the Crown to the said Corporation for a pier and public landing place; that the cost of making the said pier or wharf, and of the erection of a storehouse in connection therewith, was about the sum of sixteen thousand dollars, of which amount the Government paid one half, and the said petitioners the other half, (the cost of the storehouse being about one thousand dollars); that the petitioners borrowed, on the credit of debentures, the money necessary to pay the half of the cost of the making of the said pier or wharf, and of erecting the said storehouse, being the sum of eight thousand dollars, and that debentures to the amount of two thousand dollars, bearing interest, are still outstanding and unpaid on account thereof; and whereas the said Municipal Council have, by their said petition, further represented, that lots numbers nineteen and twenty, on the north side of Trowbridge Street, in the Town of Meaford, were, by patent bearing date the sixth day of April, one thousand eight hundred and fifty-seven, granted to them as a site for a Town Hall and other similar public purposes, and that lots numbers nineteen and twenty on the south side of Collingwood Street, and numbers nineteen and twenty on the north side of Nelson Street, in the said town of Meaford, were, by patent bearing date the eleventh day of March, one thousand eight hundred and fifty-seven, granted to them as a site for a Market House; that the petitioners, for the purpose of raising money to assist them to erect a Town Hall on the said four last mentioned lots, and believing they had power to sell the said two first named lots, being numbers nineteen and twenty on the north side of Trowbridge Street, on or about the twentieth day of July, one thousand eight hundred and sixty-one, made a contract with one James Stewart for the sale to him of the said two lots on Trowbridge Street, which are not required for public purposes; and they have prayed that an Act may be passed authorizing them to impose reasonable wharfage dues on goods, wares, merchandize and chattels passing over the said wharf at Meaford, to enable them to keep the wharf in repair, to enlarge the same and to assist them to pay off the said outstanding debentures, and also that they may be authorized to make a deed of the said

Preamble.

said lots numbers nineteen and twenty, on the north side of Trowbridge Street, in the said Town of Meaford, to the said James Stewart, his heirs or assigns, or to whom he shall appoint, 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:

Corporation of Saint Vincent may impose certain tolls not exceeding the rates herein-after limited.

1. The Corporation of the Township of St. Vincent are authorized and empowered to pass by-laws for the imposition and collection of wharfage or tolls (to be employed after payment of the expenses of collection for the purpose of keeping the said pier or wharf in repair, of assisting in liquidating the debt incurred by the said Corporation in making the said wharf, and for the purpose of enlarging the same) on all goods, wares, merchandize and chattels shipped on board or landed out of any vessel, boat or other craft from or upon such pier or wharf, not exceeding the following rates, that is to say:

	cents.
Flour, Meal, Beer, Ale, or Porter, per barrel.....	3
Grain of all kinds, per bushel.....	1
Timothy and Clover Seeds, per bushel.....	1
Potatoes and other roots, ".....	½
Pork, Beef, Lard or Butter, per barrel.....	5
Apples, Fish, Salt, Water Lime, or Plaster, per barrel	2
Potash, Pearlash, Molasses, Whiskey or Vinegar, per barrel.....	6
Lard or Butter, per keg or firkin.....	2
Brandy, Gin, Rum, Wines or Highwines, per barrel..	10
Lime, per barrel.....	1
Horses or horned Cattle, each.....	5
Calves, Sheep or Swine, each.....	2
Fowls of all kinds, ".....	1
Sawed Lumber, per 1,000 feet.....	12
Square or Round Timber, per 100 cubic feet.....	10
Saw Logs, each.....	1
Shingles and Laths, per mille.....	2
Staves, per mille... ..	5
Coal, per ton.....	15
Pig, Bar, Scrap or Cast Iron, per ton.....	25
Castings, Chain Cable, Nails and Spikes, per ton....	25
Leather and Furniture, ".....	25
Merchandize not herein enumerated, ".....	25
Grindstones, ".....	12
Nursery Produce, ".....	25
Earthen or Stoneware, per crate or hhd.....	6
Threshing Machines, each.....	50
Reaping and Mowing Machines, each.....	50
Horse Rakes, Straw Cutters, Root Slicers and Ploughs, each.....	5
Vehicles of all kinds, each.....	12
Fanning Mills, each ".....	10
Bricks, per mille.....	2

Hides

	cents.
Hides and Skins, per 100 lbs.....	5
Hay, per ton.....	10
Hops, per 100 lbs.....	5
Cordwood, per cord.....	5
Eggs, per barrel or box.....	4
All articles not herein enumerated, per ton.....	25

Provided that the by-law or by-laws imposing the said wharfrage or tolls shall be approved by the Governor in Council, and that an annual return be made to Parliament of the amounts collected under the same, and the mode of expenditure; and provided further that the power to collect such wharfrage or tolls shall cease in twenty years after the passing of this Act.

Tolls must be approved by Governor in Council.

Proviso.

2. If any person or persons shall neglect or refuse to pay the wharfrage or tolls to be collected under this Act, and under any by-law or by-laws that may be passed under the authority thereof, it shall and may be lawful for the said Corporation, or the Council thereof, their agents, officers or servants, to seize and detain the goods, wares, merchandize and chattels on which the same are due and payable, until such wharfrage or tolls, together with the reasonable charge for keeping and storing of such goods, wares, merchandize and chattels are paid; and if the same shall be unpaid for the space of six calendar months next after such seizure, the said Corporation or the Council thereof, their agents, officers or servants, as aforesaid, may sell and dispose of the said goods, wares, merchandize or chattels, or such part thereof as may be necessary to pay the said wharfrage or tolls and the reasonable costs and charges of keeping, storing and selling the same, by public auction, after giving one month's notice in some newspaper published in Meaford aforesaid, or when no newspaper is published in Meaford, then in some newspaper published at Owen Sound, such notice not to be given until the said six months expire, and the said Corporation shall return the overplus, if any, to the owner or owners thereof.

Powers for enforcing Tolls.

Sale of goods on which Tolls are due after notice, &c.

3. The said Corporation of the Township of Saint Vincent, or the Council thereof, are authorized and empowered to make a conveyance of the said lots numbers nineteen and twenty, on the north side of Trowbridge Street, in the Town of Meaford, to the said James Stewart, his heirs or assigns, or to whom he shall appoint, upon payment of the purchase money therefor, and to apply the proceeds, so far as the same will go, in erecting a Town Hall on the said lots numbers nineteen and twenty, on the south side of Collingwood Street, and numbers nineteen and twenty, on the north side of Nelson Street, in the said Town of Meaford, or on some one or more of the said lots.

Corporation may sell certain lots and apply the proceeds for a Town Hall.

4. This Act shall be deemed a Public Act.

Public Act.

## C A P . L I I .

## An Act to provide for the appointment of a Port Warden for the Harbour of Montreal.

[Assented to 12th May, 1863.]

Preamble.

**W**HEREAS the increasing trade of the city and business of the harbour of Montreal renders the office of Port Warden necessary: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Office created.

**1.** There shall be at the City of Montreal an officer who shall be designated the Port Warden of the Harbour of Montreal.

Board of Examiners. Appointment to office.

**2.** The appointment to the office shall be made by the Governor in Council on the recommendation of the Board of Trade of Montreal, and the control of the office shall be in the Council of the Board of Trade for the City of Montreal, which shall, in the present year as soon as may be after the passing of this Act, and after this year in the month of April in each year, appoint a Board of Examiners, five in number, who shall examine all Candidates for the office of Port Warden, or such number of Deputy Port Wardens as the said Council may from time to time deem necessary for the business of the Harbour, and upon the recommendation of the said Examiners, the Council shall make the appointments of such Deputies

Oath of office.

**3.** The person so appointed to be Port Warden shall, before acting as such, take and subscribe the following oath of office before some Justice of the Peace for the District of Montreal, who is hereby empowered to administer the same, and who shall have the custody thereof:—

Form.

“I, A. B. do solemnly swear, that I will faithfully and impartially, to the best of my judgment and ability, perform the duties of the office of Port Warden of the Harbour of Montreal, without fear, favor or affection for any person or party whomsoever.”

Fees.

**4.** The Port Warden shall receive no fees whatever, other than such as strictly appertain to the business of his office; all such fees shall be recorded in his books, and he shall make a certified annual return to the said Council of the Board of Trade, of the receipts and expenses of his office.

Removal for misconduct.

Examiners to make regulations.

**5.** The Port Warden, or any Deputy Port Warden, may be removed for misconduct or neglect of duty at the instance or discretion of the Council of the Board of Trade; and the said Board of Examiners shall make and when they shall think it necessary may repeal or amend all such rules and regulations,

or

or by-laws, for regulating the office of Port Warden, as they may deem from time to time necessary, subject to the approval of the Council of the Board of Trade.

6. The Port Warden shall, at his own expense, keep an office always open, on lawful days, from nine A. M., till six P. M., during the season of navigation, and from ten A. M., till two P. M., during the remainder of the year, and shall have a seal of office, and the necessary books, in which all his acts as Port Warden, and those of his deputies, with their fees of office, shall be recorded in such manner as the Board of Examiners shall direct.

Port Warden's office, books, &c.

7. It shall be the duty of the Port Warden or his deputy, on being notified and requested by any of the parties interested, to proceed in person on board of any vessel for the purpose of examining the condition and stowage of cargo; and if there be any goods damaged on board such vessel, he shall inquire, examine, and ascertain the cause or causes of such damage, and make a memorandum thereof, and enter the same in full on the books of his office.

Duty of Port Warden as to stowage of cargo, &c.

8. The Master of any vessel which has broken bulk for the purpose of lightening or other necessary purpose, previous to her arrival in the Harbour of Montreal, shall immediately on the discovery of any damaged cargo, proceed to hold a survey on the same in the manner herein prescribed, before the same shall be moved out of the place in which it was originally stowed; and if, after the arrival in port of any vessel from beyond the seas, which has not had occasion to lighten, break bulk, or otherwise discharge any portion of her cargo before coming into the Harbour, the hatches of such vessel shall be first opened by any person not a Port Warden, and the cargo or any part thereof shall come from on board such ship in a damaged condition, these facts shall be *prima facie* evidence that such damage occurred in consequence of improper stowage or negligence on the part of the persons in charge of the vessel, and such default shall, until the contrary be shewn, be chargeable to the owner, master or other person interested as part owner or master of the said vessel.

Duty of masters of vessels which have broken bulk before arrival; and as to vessels which have not so broken bulk.

9. The Port Warden shall, when required, proceed to any ship, steamer or other vessel, warehouse, dwelling or wharf, and examine any merchandize, vessel, material, produce or other property, said to have been damaged on board of any vessel, and inquire, examine and ascertain the cause of such damage, make a memorandum thereof, and of such property, and record in the books of his office, a full and complete statement thereof.

Inspecting goods damaged, &c.

10. The Port Warden shall, when required, be surveyor on any vessel which may have suffered wreck or damage, or

Inspecting vessels which

wrecked or damaged.

Assistants.

which shall be deemed unfit to proceed on her voyage: he shall examine the hull, spars, rigging, and all appurtenances thereof, shall specify what damage has occurred, record in the books of the office, a full and particular account of all surveys held on such vessel; he shall call to his assistance, if necessary, in such survey, one or more carpenters, sail-makers, riggers, shipwrights, or other persons skilled in their profession, who shall each be entitled to a fee not exceeding two dollars for the first survey, and one dollar for each subsequent one on which their services may be required, to aid him in the examination and survey, but no such surveyor must be interested in the case; the Port Warden shall also, if required, be surveyor of the repairs necessary to render such vessel seaworthy, and his certificate that these repairs have been properly made shall be evidence that the vessel is seaworthy.

Survey of vessels and cargoes.

**11.** The Port Warden shall have cognizance of all matters relating to the surveys of vessels and their cargoes, arriving in port damaged, and when requested shall, on payment of the regular fee, give certificates of such surveys.

Duty of masters of vessels taking grain in bulk.

**12.** The master of any vessel intending to load grain in bulk for any port not within the limits of inland navigation, shall, before taking in any of such grain, notify the Port Warden from time to time, while the different chambers are being prepared, to survey and inspect the said vessel as well as the dunnage and lining boards; the Port Warden in such case shall ascertain whether such vessel is in a fit state to receive and carry the cargo intended for her to its destination; he shall record in his books the condition of the vessel; if he finds she is not fit to carry the cargo in safety, he shall state what repairs are necessary to render her seaworthy; before beginning to load each chamber he shall be careful to see that it is properly dunnaged and lined, and provided with shifting boards, and that the board and plank used for these purposes have been properly seasoned; he shall examine the pumps and see that they are properly lined and dunnaged; he shall enter in the books of his office all particulars connected with these surveys, and grant the necessary certificates.

Duties of Port Warden as to such vessels.

**13.** It shall be the duty of the Port Warden, when required, to decide what amount of dunnage is necessary below cargo, and also between wheat or other grain, and the flour to be stowed over it, and his certificate that such dunnage has been used, shall be *primâ facie* evidence of the good stowage of the cargo so far as these points are concerned.

His duties as to Dunnage.

As to seaworthiness of vessels.

**14.** The Port Warden, if requested by any person having shipped cargo on board of a vessel, and at the expense of such person, shall proceed on board of such vessel and examine whether she is in a fit state to proceed to sea or not; if she is found unfit the Port Warden shall state in what particular, and shall

shall notify the master not to leave the port until the required conditions have been fulfilled.

**15.** The Port Warden shall, when required, estimate the value and measurement of any vessel, when the same is in dispute or otherwise needed, and shall record the same in the books of his office. Value or measurement of vessels.

**16.** It shall be the duty of every Auctioneer making a sale of any vessel condemned, or ships' materials, or goods damaged on board a ship or vessel, whether sea-going or of inland navigation, sold for benefit of underwriters or others concerned, in the City of Montreal, to file a statement of the same at the office of the Port Warden within ten days after such sale; no underwriters sale shall take place until after at least two days public advertisement in not less than two English and one French newspapers in the City of Montreal, and such sale shall not be at an hour earlier twelve, nor later than three o'clock in the day. Auctioneers selling damaged vessels or goods, to report Port Warden.

**17.** It shall be the duty of the Port Warden, when required in writing, by all parties in interest, to hear and arbitrate upon any difficulty or matter in dispute between the master or consignee of any ship or vessel, and any proprietor, shipper or consignee of the cargo, and keep a record thereof. Disputes between masters and consignees, &c.

**18.** No goods, vessels or other property shall be sold as damaged for account of underwriters, unless a regular survey and condemnation has previously been had, and the Port Warden shall in all such cases be one of the surveyors. Survey before sale of damaged vessels, &c.

**19.** Before proceeding to act in any case in the performance of his duties, the Port Warden shall give reasonable notice to all parties interested or concerned in the case. Notice to parties.

**20.** All notices, requests or requirements to, or from the Port Warden, must be given in writing and a reasonable time before action is required. Time for notice.

**21.** On the demand of any party interested, the Port Warden shall furnish certificates in writing, under his hand, of any matters of record in his office; he shall also furnish when required, copies of any entries in his books, or documents filed in his office. Certificates by Port Warden.

**22.** The Port Warden shall supply, to every master of a vessel arriving in the port of Montreal, a copy of the regulations relating to the office of Port Warden, once in each year. Copies of regulations.

**23.** In all matters regarding surveys, &c., the Port Warden shall conform to, and be governed by the regulations of Lloyd's, so far as they are applicable to the port of Montreal and to the circumstances of the case. Lloyds' regulations to apply.

Disputes between Port Warden and parties, how decided.

**24.** Should any dispute arise between the Port Warden and any party interested, in any case where his presence has been required, either party may appeal to the Board of Examiners, and it shall be the duty of the Secretary of the said Board of Trade, on a requisition being presented to him to that effect, to summon forthwith a meeting of the said Board of Examiners who, or not less than three of them, shall immediately investigate and report on the case submitted to them, and their determination, or that of a majority of them, made in writing, shall be final and conclusive.

Costs.

**25.** The party against whom the Examiners decide shall pay all the expenses, and the Examiners shall determine the amount of fees or charges payable in each case, which shall never exceed twenty dollars.

His certificates to be evidence *prima facie*.

**26.** All certificates issued under the hand of the Port Warden or his deputy and sealed with the seal of his office, referring to matters recorded in his books, shall be received as *prima facie* evidence of the existence and contents of such record in any court in this Province.

Tariff of fees to be made by Council of Board of Trade.

**27.** The Council of the Board of Trade for the City of Montreal may, from time to time, establish a tariff of fees to be paid to the Port Warden for services performed by him and his deputies, by the masters or owners of seagoing vessels, and by others in respect of whom the duties of the said Port Warden are required to be performed; which 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; but such fees shall not exceed the rates hereinafter mentioned, that is to say:

Maximum fees.

Surveys and certificates.

1. For every survey and the certificate thereof by the Port Warden and his assistant, of the hatches and cargo of any vessel, or of the hull, spars and rigging thereof, or the survey of damaged goods, a fee, including the certificate thereof, not exceeding eight dollars each, and such further sum, not exceeding five dollars, as may be payable to shipwrights, or other skilled persons employed by him;

Valuation and inspection of vessels.

2. For every valuation of a vessel for average, and every inspection of a vessel intended to load, a fee to be graduated according to the tonnage of such vessel, but not in any case to exceed ten dollars;

Settling disputes.

3. For hearing and settling disputes, of which the Port Warden is authorized to take cognizance, and for the fees on appeal to the Board of Examiners, a sum to be graduated according to the value of the thing or amount in dispute, but in no case to exceed twenty dollars;

4. The foregoing maximum rates, comprehending the fees for the incidental proceedings, certificates and copies, may be altered and apportioned, and the particular service distinguished, and the fee therefor assigned, and the person by whom the same shall be paid may be indicated in such way as the Council of the Board of Trade may from time to time appoint; and all rates and fees so established shall be subject to the approval of the Governor in Council, who shall have power, from time to time, to reject or modify and alter such fees and rates.

Fees may be apportioned for particular services.

Must be approved by Governor in Council.

### C A P . L I I I .

An Act to amend the Act twelfth Victoria, chapter one hundred and fourteen, relating to the Quebec Trinity House.

[Assented to 12th May, 1863.]

**W**HEREAS the Superintendents of Pilots, mentioned in the Act twelfth Victoria, chapter one hundred and fourteen, have by their petition prayed to be exempted from contributing to the Pilots' Fund, and from deriving any benefit therefrom, and the Corporation of the Pilots for and below the Harbour of Quebec have consented to their request; and whereas it is expedient in consequence 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:

Preamble.  
12 V., c. 114.

1. From and after the passing of this Act it shall be lawful for the two Superintendents of Pilots mentioned in the Act twelfth Victoria, chapter one hundred and fourteen, to cease contributing in any way to the Pilots' Fund therein mentioned; and from that time forth the said Superintendents of Pilots and their families shall cease to be entitled to any portion of the said fund or of the revenue arising therefrom, and all the contributions which the said Superintendents of Pilots have made and paid to the said fund up to the time of the passing of this Act shall be lost to them and shall become the property of the said fund.

Superintendents of Pilots not to contribute to or benefit by the Pilots' Fund.

2. This Act shall be deemed a Public Act.

Public Act.

### C A P . L I V .

An Act to amend the Lower Canada Consolidated Municipal Act, and to erect the Village of Chicoutimi into a separate Municipality.

[Assented to 12th May, 1863.]

**W**HEREAS the inhabitants of the Village of Chicoutimi, in the County of Chicoutimi, have, by their petition, represented, that the number of houses now erected in the said Village

Preamble.

Village exceeds one hundred and twenty-five, inhabited by a population exceeding eight hundred souls, that in some parts of the Village the houses and other buildings erected entirely of wood are in too great proximity, and are, in consequence, very liable to destruction by fire; and in view of the rapid increase of the Village, and the necessity of establishing certain regulations for the prevention of accidents by fire, the said inhabitants have prayed that the said Village may be erected into a Village Municipality, 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:

Municipality of the village of Chicoutimi constituted.

1. From and after the first day of July next, the Village of Chicoutimi, in the County of Chicoutimi, shall be erected into a separate Municipality, distinct from that of the Township of Chicoutimi, in which the said Village is situated, and the inhabitants thereof are hereby constituted a Corporation, under the name of the Corporation of the Village of Chicoutimi.

Its boundaries.

2. The Municipality of the Village of Chicoutimi shall consist of all that part of the Township of Chicoutimi, divided into Village and Park lots, and laid out and designated as the Village of Chicoutimi.

First meeting or election of councillors.

3. The first meeting for the election of Councillors for the Municipality of the Village of Chicoutimi, shall be called by the Registrar of the County of Chicoutimi, who shall also preside at the said election, and the election shall take place within the first fifteen days of the month of July next, and the seven Councillors then elected shall hold office until the general election which will be held in the month of January, one thousand eight hundred and sixty-six.

Electors to decide whether the incorporation under this Act shall be effected or not.

4. At the said meeting, before proceeding to the election of Councillors, the Registrar shall cause the votes of the Electors present to be taken, to decide whether the incorporation under this Act shall be effected, and shall cause the votes to be recorded in a Poll-book to be kept for the purpose; and if the votes of not less than one-half in number of the Municipal Electors of the said Village are given in the affirmative, then (and not otherwise) the erection of the said Village into a separate Municipality shall be maintained and confirmed, and the said election proceeded with, and, if necessary, the meeting may be adjourned until the following day, in order to continue the election.

Municipal Act to apply.

5. All the provisions of the Lower Canada Consolidated Municipal Act, and of the Acts amending it, which apply to Villages incorporated in virtue of the said Acts, shall apply to the Municipality of the Village of Chicoutimi, and the rights, privileges, powers and duties of the said Village Municipality shall

shall be those prescribed by the said Acts, and shall be exercised and discharged by the Council of the said Municipality.

6. And whereas there exists within the limits of the said Village, a considerable stream called the River Chicoutimi, over which an expensive bridge has been erected by *corvées* and voluntary contributions, and the said bridge is more advantageous to the inhabitants of a part of the Township of Chicoutimi than to the inhabitants of the Village; and whereas doubts have arisen as to the validity of the By-law passed by the Municipality of the Township of Chicoutimi, compelling a portion of the inhabitants of the said Village and of the said Township of Chicoutimi, to keep the said bridge in repair, for the avoidance of difficulties, it is enacted that the said bridge shall be under the control of the Municipal Council of the County of Chicoutimi.

Bridge over Chicoutimi River to be subject to County Council.

7. And whereas a Town Hall has been erected within the limits of the said Village, and it is but just that this building should remain the property of the Municipality of the Township of Chicoutimi: therefore the Municipality of the Village of Chicoutimi shall not claim any share or right of property in the said Town Hall; but the said Town Hall shall not be subject to taxation by the Village so long as such Town Hall remains the property of the Township.

Town Hall to belong to Township.

Proviso.

8. The movable property and the assets and liabilities of the Municipality of the Township of Chicoutimi shall be divided between the said Municipality and the Municipality of the Village of Chicoutimi, in conformity with the provisions of the Municipal Act, and the Acts amending it, and in effecting the said division, allowance shall be made to the new Municipality of its share of the cost of the said Town Hall.

Division of assets and liabilities.

9. And whereas it is expedient to authorize the Corporation of the Village of Chicoutimi to prevent and cause to be removed all encroachments in and upon the lands set apart for streets, the Municipal Council of the Village of Chicoutimi shall be authorized to put a stop to, remove and prevent all encroachments now existing or which may hereafter be made in and upon the lands which have been set apart for the opening of front and cross streets in the said Village, and any legal proceedings taken for that purpose, shall be taken, conducted and decided in conformity with the provisions of the forty-ninth Section of the Lower Canada Consolidated Municipal Act.

Encroachments on streets.

10. And whereas the establishment of a market and the construction of Water Works in the said Municipality, would entail expenses which would weigh too heavily on the present population, it is enacted that the Municipal Council of the Village of Chicoutimi shall not be empowered to pass any By-law under the authority of paragraphs two, three, four, five

Market and water works.

Provision as to their construction.

Toll-gates.

and twenty-six of Section twenty-eight of the said Municipal Act, until the population of the said Village is not less than three thousand souls; nor in any case shall the said Municipality have power to erect Toll Bars, or charge toll for passing through any of the streets or public ways, or over any bridge constructed within the limits of the said Municipality.

Public Act.

**11.** This Act shall be deemed a Public Act.

### C A P . L V .

An Act to correct an error in the Letters Patent erecting the Protestant Parishes of *Saint Thomas* and *Saint George*, in the District of Bedford, and to define the boundaries of the said Parishes.

[Assented to 12th May, 1863.]

Preamble.

**W**HEREAS, on reference to the Letters Patent erecting the Protestant Parishes of *Saint Thomas* and *Saint George*, heretofore in the District of Montreal but now included in the District of Bedford, it appears that the boundaries of the said Parishes are not as they were intended to be, and as they were supposed to be, and as they have been actually acquiesced in ever since the erection of the said Parishes, and as they are still acquiesced in by the inhabitants thereof; And whereas the said inhabitants have, by their joint Petition, prayed that the errors in the said Letters Patent may be corrected, by establishing the boundaries of the said Parishes as they were originally intended, and it is reasonable and 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:

Boundaries of Parish of St. Thomas.

**1.** The Parish of *Saint Thomas*, in the District of Bedford, shall comprehend so much of the precinct included within the bounds and limits of the Seigniories of Noyan and Foucault respectively, as lies to the westward of the line of demarcation beginning at the Province Line, at the place where it is intersected by the Concession Line dividing the Fourth and Fifth Concessions of the Seignior of Foucault; thence proceeding northerly on the said Concession Line to the northern line of the Seignior of Foucault; thence easterly on the Seignior line until it is intersected by the Concession Line dividing the Third and Fourth Concessions of the Seignior of Noyan; thence proceeding northerly on the said Concession Line to the termination of the survey formerly made; thence continuing a due north course to the River Richelieu; and the said line so described shall constitute the easterly boundary of the said Parish of *Saint Thomas*.

2. The parish of *Saint George*, in the District of Bedford, shall comprehend so much of the precinct included within the bounds and limits of the Seigniories of Noyan and Foucault respectively as lies to the eastward of the line of demarcation beginning at the Province Line, at the place where it is intersected by the Concession Line dividing the Fourth and Fifth Concessions of the Seignior of Foucault; thence proceeding northerly on the said Concession Line to the northern line of the Seignior of Foucault; thence easterly on the Seignior Line until it is intersected by the Concession Line dividing the Third and Fourth Concessions of the Seignior of Noyan; thence proceeding northerly on the said Concession Line to the termination of the survey formerly made; thence continuing a due north course to the River Richelieu; and the said line so described shall constitute the westerly boundary of the said Parish of *Saint George*.

Boundaries of  
Parish of St.  
George.

3. All the Acts, Orders, By-Laws, *Procès-Verbaux*, Rates, and Assessments heretofore done, ordered, made, or levied, by either of the said Parishes, or by the Municipal Councils or School Commissioners thereof, shall be equally as valid as if the boundaries hereby established had been the boundaries of the said parishes established by the Letters Patent erecting the said Parishes.

By-laws, Pro-  
cès Verbaux,  
&c., confirmed.

4. This Act shall be deemed a Public Act.

Public Act.

## C A P . L V I .

An Act further to amend the Acts relating to the  
Niagara District Bank.

[Assented to 12th May, 1863.]

**W**HEREAS the President and Directors of the Niagara District Bank have, by their petition, prayed that the capital stock of the said Bank may be limited to the sum of four hundred thousand dollars, and that the time for subscribing and paying up the balance still unsubscribed and unpaid may be extended for two years longer, 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. For and notwithstanding any thing contained in the several Acts of the Parliament of this Province relating to the said Bank, the sum still required to be subscribed and paid up, in order to raise the paid up capital of the said Bank to four hundred thousand dollars, shall be subscribed for and paid up within two years from and after the passing of this Act, on pain of forfeiture of the privileges granted by the said Acts; but no forfeiture of such privileges shall take place by reason of the full sum of four hundred thousand dollars not having

Time for pay-  
ing up capital  
extended.

Proviso.

having been subscribed for and paid up within the time prescribed by the third section of the Act twenty-fourth Victoria, chapter ninety-four.

Capital limited. **2.** For and notwithstanding any thing in the said Acts or any of them contained to the contrary, the capital stock of the said Bank shall be and the same is hereby limited to the said sum of four hundred thousand dollars.

Inconsistent enactments repealed. **3.** So much of the said Acts, or any or either of them as may be inconsistent with or repugnant to the provisions of this Act, shall be and is hereby repealed.

Acts amended continued to 1st June, 1870. **4.** The said Acts, as amended by this Act, shall be and remain in force until the first day of June, which will be in the year of our Lord one thousand eight hundred and seventy, and from that time until the end of the then next session of the Parliament of this Province, and no longer.

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

## C A P . L V I I .

### An Act to amend the Charter of the Gore Bank.

[Assented to 12th May, 1863.]

Preamble. **W**HEREAS the Corporation of the Gore Bank have prayed for certain amendments to their Charter and for authority to increase their capital stock, 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:

Additional capital authorized. **1.** It shall be lawful for the Gore Bank to add to their present capital, a sum not exceeding two hundred thousand dollars, divided into five thousand shares of forty dollars each, which shares may be subscribed for either within or without this Province, in such proportions or numbers, and at such times and places, and under such regulations, and at par or at such rate of premium to be paid by the subscribers, over and above the amount of the shares, as the Directors of the said Bank shall from time to time establish, and the shares so subscribed for shall be paid in by such instalments and at such times and places as the said Directors shall from time to time appoint, and executors, administrators and curators paying instalments on shares of deceased shareholders, shall be and are hereby respectively indemnified for paying and are required to pay the same; provided always, that no share shall be held to be lawfully subscribed for unless the premium (if any) which shall have been fixed by the Directors, and at least ten per centum on the amount of such share, be paid at the time of subscribing;

Payment of shares by instalments.

Proviso: ten per cent to be paid down.

subscribing; provided also that the said five thousand shares be subscribed for and wholly paid up within five years from and after the passing of this Act. Proviso: and the whole in 5 years.

**2.** Every person subscribing for or taking any share in the additional capital stock of the said Bank hereby authorized, shall have the same rights and be subject to the same rules and regulations as the present shareholders in the said Bank, and the said persons who shall hold any share or shares of such capital stock shall only have a vote or votes at any general meeting of the said Bank, according to the number of such shares on which the full amount of forty dollars shall have been paid in by them respectively; nor shall any such person be qualified to act as a Director of the said Bank until he shall have paid in the full amount of twenty such shares, that is to say, a sum of not less than eight hundred dollars. Rights of new shareholders. Votes. Qualification as directors.

**3.** It shall not be obligatory upon the said Bank to raise the full amount of the additional capital stock hereby allowed, but the number of shares to be hereafter subscribed for may at any time be limited by a By-law of the said Bank in such manner as the Directors shall deem most advantageous for the interests of the said Bank. The whole of the new stock need not be raised at once.

**4.** If any person or party subscribing for shares of the said additional capital stock shall also be willing to pay up, at the time of subscribing, the full amount of the shares subscribed for, together with such premium thereon as aforesaid, the Directors of the said Bank may at any time, within the period hereinbefore limited for subscribing for such stock, admit and receive such subscriptions and full payment or payments of any number of instalments together with such premium; and in every such case, the premium so received on any stock subscribed for, shall be carried to the account of the ordinary profits of the said Bank. Stock may be paid up in full on subscribing. Premium how dealt with.

**5.** The Directors of the said Bank shall not be compelled to open books of subscription for the whole number of shares of the said additional capital stock at one and the same time; but the said Directors may, and they are hereby authorized, from time to time, to limit the number of shares for which the books of subscription shall be opened at any one time, as they, in their discretion, may deem most advisable. Issue of shares may be limited.

**6.** If any shareholder or shareholders refuse or neglect to pay any instalment upon his, her or their shares of the said capital stock at the time and times required by the Directors, such shareholder or shareholders shall incur a forfeiture, to the use of the said Gore Bank, of a sum of money equal to ten per centum on the amount of such shares; and moreover, it shall be lawful for the Directors of the said Bank (without any previous formality, other than thirty days public notice of their intention) Proceedings in case of neglect or refusal to pay instalments.

Forfeiture.

intention) to sell at public auction the said shares, or so many of the 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 forfeiture incurred upon the whole, and the president, vice-president or cashier of the said Bank shall execute the transfer to the purchaser of the shares of stock so sold, and such transfer being accepted shall be as valid and affectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; but nothing in this section contained shall be held to debar the Directors or shareholders at a general meeting from remitting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of any instalment as aforesaid.

Proviso: Forfeiture may be remitted.

New section in place of 23 Vic. cap. 116, s. 9.

7. The ninth section of the Charter of the Gore Bank, passed in the twenty-third year of Her Majesty's reign, and chaptered one hundred and sixteen, is hereby repealed, and the following shall be substituted therefor and be taken to be, and be read, as the ninth section of the said Act:

Scale of votes.

"9. Each shareholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name, at least three calendar 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, 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 shares, one vote, making twenty votes for one hundred shares; but no person, co-partnership or body politic shall be entitled to give a greater number of votes than twenty."

New section in place of 23 Vic. cap. 116, sec. 19.

8. The nineteenth section of the said Charter is hereby repealed, and the following shall be substituted therefor, and shall be taken to be and read as the nineteenth section of the said Act:

Votes of joint holders of shares.

"19. Where two or more persons are joint holders of shares, it shall be lawful that one only of such joint holders be empowered by letter of attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly, and no shareholder who shall not be a natural born or naturalized subject of Her Majesty shall either in person or by proxy, vote at any meeting whatever of the shareholders of the Bank, or assist in calling any meeting of the shareholders."

9. Shares of the additional capital stock authorized by this Act may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, or at the chief office of the said Bank in the City of Hamilton, or at any of its branches, in like manner as shares in the said Bank and dividends thereon are now respectively transferable and payable at the Bank in the City of Hamilton or in the United Kingdom; and to that end the President and 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.

Transfer of shares of new stock in England.

10. Notwithstanding anything in the Act above cited contained, no transfer of the capital stock of the said Bank shall be valid or effectual in law until the transferring party shall have previously discharged, not only all debts actually due by him to the said Bank, but all his liabilities to the said Bank which may exceed in amount the value of his remaining shares, if any, unless with the consent of Directors.

When only transfer of stock to be valid.

11. Whenever the interest in any share or shares of the said Bank, or in the dividend or dividends accrued thereon, or the right of property in any deposit therein, shall be transmitted by the death of any shareholder or shareholders, or otherwise, or whenever the ownership of, or legal right of possession in any such share or shares, dividend or deposit, shall change by any lawful means, other than by transfer, or shall be disputed, and the Directors of the said Bank shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, dividend or dividends, or deposit, then and in such case, it shall be lawful for such Bank to make and file a bill or petition, in the Court of Chancery for Upper Canada, addressed to the Chancellor of Upper Canada, setting forth the facts, and the number of the said shares previously belonging to the party in whose names such share or shares stand in the books of the Bank, or the amount of deposits standing in the name of the depositor thereof, and praying for an order, decree or judgment adjudicating and awarding the said shares, dividends or deposits to the party or parties legally entitled to the same, by which order, decree or judgment the Bank shall be guided and held harmless, and indemnified and released from all and every other claim for the said shares or deposits, or arising therefrom; Provided always that notice of such bill or petition shall be given to all parties claiming such shares, dividends or deposits, who shall, upon the filing of such bill or petition, declare, and shew his, her or their claim or right referred to in such bill or petition, and all costs and expenses attending such proceedings shall be in the discretion of the Court, who shall adjudge by whom, and to whom the same shall be paid.

Cases of doubt or dispute as to ownership of shares or deposits may be disposed of, under order of the Court of Chancery.

Proviso.

Duty of Directors on the receipt of order of the Court.

**12.** The Directors of the said Bank shall immediately, on being duly served with a copy of such order, decree or judgment of the said Court of Chancery, transfer such shares and pay over such dividends or deposits to the party or parties to whom they shall have been declared to belong, by such order, decree or judgment.

Public Act.

**13.** This Act shall be deemed a Public Act, and shall be construed and applied to all intents as though forming part of the Act hereinbefore cited and hereby amended, and the expression "The Charter of the Gore Bank" shall constitute a sufficient citation as well of this as of the said Act hereby amended.

How construed and cited.

## C A P . L V I I I .

An Act to amend the Acts of Incorporation of the Provincial Insurance Company of Canada.

[Assented to 12th May, 1863.]

Preamble.

**W**HEREAS the Shareholders of the Provincial Insurance Company of Canada have, in consequence of heavy losses by the Company equivalent to the reduction hereinafter stated, resolved at their annual meeting in the year one thousand eight hundred and sixty-two, that they would apply to Parliament for the reduction of the paid up portion of their Capital Stock from twenty-eight dollars to eight dollars per Share, so that each Share in the said Capital Stock should stand at sixty dollars per Share instead of eighty dollars per Share, of which sum of sixty dollars per Share, only eight dollars per Share should be considered as paid up; and whereas, in pursuance of such resolution, the President and Directors of the said Company have by their Petition prayed that such reduction shall be made as aforesaid; 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:

Shares in the Stock of the Company, under 12 V. c. 167, reduced; and also the paid of Capital.

**1.** For and notwithstanding anything mentioned in the Act passed in the section held in the twelfth year of Her Majesty Reign, and intituled: *An Act to incorporate the Provincial Mutual and General Insurance Company*, or in any Act amending the same, each and every Share in the Capital Stock of the said Provincial Insurance Company of Canada shall, from and after the passing of this Act, be held to represent and be equal to the sum of sixty dollars, and not eighty dollars as heretofore, and the total amount of the Capital Stock of the said Company now paid up, and that portion of the said Capital Stock only, shall also be reduced in proportion.

Public Act.

**2.** This Act shall be deemed a Public Act.

## CAP. LIX.

## An Act to incorporate the "St. Lawrence Tow Boat Company."

[Assented to 12th May, 1863.]

**W**HEREAS the persons hereinafter mentioned, members of a co-partnership formed under the name of "The St. Lawrence Tow Boat Company," have prayed to be incorporated, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

**1.** Jean Baptiste Beaulieu, William Dinning, John Wilson, Edouard Gingras, Théodule Foisy, François Samson, Julien Chabot, the elder, Pierre Bourget, and all other members of the said co-partnership, together with all who may hereafter become shareholders with them under the provisions of this Act, are hereby constituted a body politic and corporate, under the name of the "St. Lawrence Tow Boat Company," for the purpose of towing rafts, ships and other vessels, and for carrying freight on all the navigable waters of this Province and elsewhere, and for carrying passengers in and below the Harbour of Quebec, with power to construct, acquire, charter, maintain, sell and otherwise dispose of steam and other vessels, and to make contracts or agreements with any person or corporation whatsoever, for any purposes connected with such business.

Incorporation of Company.

Corporate name &amp; general business powers.

**2.** The capital stock of the Company shall be four hundred thousand dollars, divided into four thousand shares of one hundred dollars each; provided always that the persons who shall have transferred steamboats to the Company shall be entitled to as many shares as will amount to the value thereof, subject to the restrictions hereinafter mentioned relating to debts or mortgages existing on such steamboats; the capital stock may be increased to six hundred thousand dollars by a vote of a majority of the shareholders present at any annual or special meeting to be called for that purpose.

Capital of Company and shares.

Value of steamboats transferred to be paid up stock.

Capital may be increased.

**3.** All steamboats or other property which the said Company may possess at the time of the passing of this Act, either in its own name or in the name of any person on its behalf shall belong to it without the passing of new contracts or deeds being necessary; Provided always that nothing in this Act contained shall in any way affect or impair the rights and claims of third parties in or to the said steamboats or other property which the said Company at the time of passing the same may so have in possession.

Property of existing association transferred.

Proviso: debts not affected.

**4.** The company shall have the right to purchase wharves, beaches, docks, warehouses and other real estate, necessary for

Real property of the company.

for the carrying on of their business, with power to lease, mortgage or sell the same, and others to purchase and acquire instead; but the whole value of such real estate at any one time held shall not exceed one hundred thousand dollars.

Its amount limited.

Number and election of directors.

Votes of Directors.

Vacancies.

Removal of Directors.

Shareholders' votes.

Proxies.

Form of voting

Power to make by-laws.

Directors, by-laws, contracts, &c., of existing Company, continued until altered.

Corporation not dissolved

5. The superintendence, control and administration of the affairs of the Company shall be conducted by nine directors, five of whom shall be a quorum, who shall be elected at the annual meeting to take place between the first and twelfth day of January, on the day and at the hour and place to be named by the directors; and no person shall be eligible to become a director unless he holds twenty or more shares in the Company; at all meetings of directors each director shall have one vote only; the directors shall elect from among themselves a president and vice-president, and all vacancies occurring among them shall be filled up by the shareholders at a special general meeting duly called; and it shall be lawful, by a majority of votes of shareholders at a special meeting to be called for that purpose, to displace all or any of the directors, and to elect others in their stead.

6. At all special and annual meetings of the shareholders, each shareholder shall have a vote for every ten shares registered in his name in the books of the Company at least one month previous to the date of such meeting; but no shareholder shall have a greater number of votes than ten, even though he may hold more than one hundred shares; Shareholders may vote by proxy, proxies being of the form mentioned in the Schedule A, annexed to the present Act; the voting shall be by ballot, or open, as the By-laws may direct, and no person not a shareholder shall hold proxies.

7. The Directors shall have the right to make By-laws for the conduct and management of the affairs of the Company, provided they are not contrary to the laws of the Province nor to the provisions of this Act, nor to the By-Laws or regulations adopted at any general or special meeting of the shareholders, and to alter, amend, repeal and re-enact the same whenever they think fit.

8. The present officers and directors, to wit: Jean Baptiste Beaulieu, as President; William Dinning, as Vice President; and John Wilson, Théodule Foisy, Allison Davie, François Samson, Pierre Bourget, Edouard Gingras and Julien Chabot the elder, as Directors, shall continue in office until their successors are elected at the first meeting of the shareholders to be held after the passing of this Act, and shall have the same powers and rights which the said co-partnership had, and shall be bound by all its obligations.

9. The Corporation shall not be dissolved by a failure to elect Directors at the time prescribed by this Act, but it shall be

be lawful to make such election on any subsequent day, in the manner provided for the annual election, and in that case any three of the shareholders shall have the right to call a special meeting for that purpose.

by failure to elect.

**10.** The shareholders of the company shall not be held responsible for any claim beyond the amount of their respective shares.

Liability limited.

**11.** It shall be the duty of the directors to cause to be made out each year, a correct balance sheet of all the affairs of the company, and to establish and declare any annual dividends out of the profits of the Company, as shall seem to them expedient, which balance sheet shall be signed by the President, or in his absence by the Vice-President and two Directors; a general meeting of shareholders shall be called during the month of December in each year, to whom the balance sheet, together with a detailed report of all the operations of the company during the past year shall be submitted, and the shareholders present at the meeting shall have the right, if they see fit, to appoint auditors to examine and report thereon at an adjourned meeting.

Annual balance sheet.

Dividends.

And report.

Auditors.

**12.** General or special meetings of the shareholders shall be called by an advertisement in two newspapers published in Quebec, one of which newspapers shall be in the English, and the other in the French language, or by letter mailed or delivered to each shareholder, at least ten days before the day appointed for such meeting; and the President or Vice-President, or five Directors or Stockholders, shall have power to call such meetings, and the shareholders present at such meetings shall have the right to adjourn to any subsequent day they may think proper; at all meetings, either of the shareholders or of the Directors, the President, or in his absence the Vice-President, or in the absence of both, then some one appointed by the meeting, shall preside, and the person presiding shall only vote in case of an equal division; journals shall be kept, in which shall be entered correctly the deliberations and decisions of the meetings, whether of Directors or of shareholders; the minutes of each meeting shall be signed by the person presiding at the same, and the journals, as well as all other books of the Company, shall be accessible to every shareholder during office hours, and they shall be kept at the office of the company and no where else.

General and special meetings, and meetings of Directors, how called.

How organized.

Person presiding to have casting vote only.

Record of meetings to be kept.

**13.** It shall not be lawful at any meeting of the shareholders to transact any business unless at least two-thirds of the members, possessing at least two-thirds of the stock, shall be present or duly represented.

Two-thirds of the stock and members must be represented at all meetings.

**14.** A book shall be kept in which shall be entered the name, calling and residence of every shareholder, also the number

Registration of shareholders.

number of shares held by each, and whether the same are held in consideration of steamboats, or any interest in a steamboat, having been transferred to the Company, and if so, whether there are any mortgage or privileged debts on such steamboats respectively, and every shareholder shall have the right to obtain a certificate, in the form of schedule C, annexed to this Act, signed by the President and two directors, showing the number of shares held by him, subject to the restrictions mentioned in the following section.

Certificate to be given.

What the certificates shall specify.

**15.** When any shareholder shall hold shares arising from the transfer to the company of the whole or part of a steamboat, the certificate shall mention the same, and if there are mortgages or privileged debts on the property so transferred, the same shall also be mentioned in the said certificate.

Indebtedness to Company must be paid before transferring shares.

**16.** No shareholder shall have the right to transfer his shares unless he shall have previously paid the whole amount he may be indebted to the Company for antecedent calls, in respect of his stock or for any dealings or transactions of what nature or kind soever, which he may have had with the said Company; and should any shareholder refuse or neglect to pay such indebtedness, the Directors shall have the right to cause a sufficient number of the shares of such proprietor to be sold by public auction, within one month after he shall have been notified to pay the same; provided that public notice of such sale shall be given, at least fifteen days before such sale, by advertisement in two newspapers published in Quebec, one of which newspapers shall be printed in the English and the other in the French language; and after deducting the amount of such debt with interest and costs, the balance shall be paid over to such shareholder.

Proviso.

Shares issued to be cancelled in certain cases.

**17.** If by reason of any debt or mortgage upon any of the steamboats transferred to the Company, in whole or in part, by one or more shareholders, the Company, through the default of the shareholder in respect of such debt or mortgage, should be dispossessed of such steamboat, those who shall have made such transfer shall cease to hold shares in the capital stock arising from the value of such transfer.

Form of transfer of shares.

**18.** Transfers of shares in the stock of the Company shall be valid and effectual, provided such transfers be made in the form of schedule B, annexed to this Act, but such transfers shall not be valid until the same shall have been accepted by the Directors and entered in the book kept for that purpose.

Notices how served.

*Saisie-arrêt.*

**19.** Every notice served at the office of the Company, or on the President, shall be considered sufficient in all Courts of Justice in this Province, and the declaration of the President, Vice-President, or Secretary to a writ of *saisie arrêt*, shall be considered and received in all Courts of Justice as the declaration of the Company.

20. Shares in the capital stock of the Company shall be deemed personal estate, and be transferable as such.

Shares to be deemed personal estate.

21. This Act shall be deemed a Public Act,

Public Act.

Schedules mentioned in the foregoing Act.

SCHEDULE A.

ST. LAWRENCE TOW-BOAT COMPANY.

I, A. B., of , one of the shareholders of the St. Lawrence Steam Tow-Boat Company, hereby appoint C. D., of being also one of the shareholders of the said Company, to be my attorney, for me and in my absence to vote on all matters whatsoever, which may be moved at the meeting of the shareholders of the said Company, to be holden on the day of next, in such manner as the said C. D. may think it expedient to vote.

In witness whereof, I have signed the present power of Attorney, at , the day of .

Witnesses :

SCHEDULE B.

ST. LAWRENCE TOW-BOAT COMPANY.

I, (or we) A. B., in consideration of the sum of , paid to me (or us) by C. D., of , hereby make over and transfer to the said C. D., shares in the St. Lawrence Tow-Boat Company, to be enjoyed by the said C. D., his (or their) heirs and assigns, subject to the same conditions on which I (or we) held them; and I, (or we) the said C. D., do hereby agree to accept and receive the said shares, subject to the same conditions.

In witness whereof we have signed this present Act of transfer, at , the day of .

Witnesses :

## SCHEDULE C.

## ST. LAWRENCE TOW-BOAT COMPANY.

Number.....

These are to certify that A. B., of \_\_\_\_\_, is (or are) proprietor (or proprietors) of \_\_\_\_\_ shares in the St. Lawrence Tow-boat Company, subject to the rules, orders and regulations of the said Company; and that the said A. B., his (or their) heirs and assigns, are entitled to the profits and advantages of the said shares.

Given under the common seal of the said Company, on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord one thousand eight hundred and \_\_\_\_\_

C A P . L X .

An Act to incorporate the Peel General Manufacturing Company.

[Assented to 12th May, 1863.]

Preamble.

WHEREAS Frederic Chase Capreol, Esquire, the Honorable J. C. Aikins, Matthew Crooks Cameron, Esquire, John Crawford, Esquire, the Municipality of the Township of Toronto, the Municipality of the Village of Streetsville, both of in the County of Peel, and numerous others, inhabitants and freeholders of the County of Peel in Upper Canada, have, by their petitions, prayed that a Company be formed for the purpose of carrying on manufactures in hemp, flax, sugar, cotton, wool, linen, metals, wood and paper, also the grinding of grain, and other purposes which a water power can execute, and have prayed that they, together with such others as shall become stockholders in the Company may be incorporated accordingly; 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:

Company incorporated.

Corporate name.

Power to make By-laws.

1. The said Frederic Chase Capreol, J. C. Aikins, M. C. Cameron, John Crawford, and all such other persons as hereafter shall become stockholders in the Company established by this Act, shall be, and they are hereby constituted, ordained and declared to be a body corporate and politic, by the name of *The Peel General Manufacturing Company*, with power and authority to make and ordain such by-laws, rules, orders and regulations, not being contrary to this Act, nor to the laws of this Province, as shall be deemed useful or necessary for the interests of the said Corporation, and the management of its affairs and business, and from time to time, to alter and change the said by-laws, rules, orders and regulations, or any of them.

2.

2. The said Frederic Chase Capreol, Esquire, the Honorable J. C. Aikins, Matthew Crooks Cameron, Esquire, John Crawford, Esquire, and William Notcutt Alger, Esquire, shall be Provisional Directors until the first election of Directors shall be made according to the conditions hereafter named, the majority to form a quorum, and have and enjoy all the powers necessary for carrying this Act into effect, and the said Frederic Chase Capreol shall be chairman of such Provisional Board.

Provisional  
Directors.

3. It shall be lawful for the said Company by the name and style aforesaid, to acquire and take by purchase or otherwise, as may be agreed upon, and to have, hold, possess and enjoy all Real Estate or Water Powers, in the Township of Toronto or the County of Peel, not exceeding two thousand acres, which may be necessary for the use and occupation of the said Company, and also to acquire any other Real Estate, which shall fairly come into their hands in the course of their said business, or in payment of or for securing payment of any debt due to them in the course of such business, and to purchase, and temporarily to hold, until they can conveniently dispose thereof, any lands or real property, which, having been mortgaged or pledged to them for securing debts to them actually incurred in the course of their said business, may, by reason of such pledge or mortgage, become their property, or shall be purchased by them at any sale thereof, in execution of any order or judgment of a competent Court in their favor, and to let, sell, exchange and dispose of any property, real or personal, which they may lawfully purchase or otherwise acquire as aforesaid, in such manner as the said Company may deem expedient.

Company may  
acquire real  
estate neces-  
sary for their  
occupation.

May hold tem-  
porarily pro-  
perty taken as  
security in the  
course of their  
business.

4. The business of the said Company shall be, and they shall have full power and authority to carry on and continue the manufacturing of hemp, flax, cotton, wool and linen goods, and to erect and work, or lease manufactories, or any thing pertaining thereto, for iron, steel, wood and paper, for the sawing and manufacture of lumber, and the grinding of grain or the distilling thereof.

Business of  
the Company  
defined.

5. The Capital Stock of the said Company shall be five hundred thousand dollars, with power to increase the same, to a sum not exceeding one million dollars, and shall be divided into shares of twenty-five dollars each.

Capital \$500-  
000 in shares  
of \$25.

6. The said Company may open books of subscription at such places and times as they may deem proper; and any person or persons, or bodies corporate, may subscribe for and hold such and so many shares of stock in the said Company, as he, she or they may think fit, and ten per cent thereon shall be paid at the time of subscribing, and the remainder shall be payable at such time or times, as the majority of the Directors thereafter elected by the stockholders shall appoint; Provided, always,

Books of sub-  
scription to  
be opened.

Ten per cent  
to be paid  
down.

Calls.

Calls limited.

always, that no call shall exceed ten per cent, and no instalment shall become due and payable until after sixty days notice shall be given in some newspaper printed and published in the City of Toronto; and if any Stockholder shall after such notice refuse or neglect to pay any instalment due upon the share or shares held by him, such share or shares shall or may in the option of the Directors become forfeited together with the amounts paid thereon, and such forfeited shares or share may be disposed of as the Directors may think fit in any manner whatsoever, or the same may become vested in and for the benefit of the Company as the Directors may determine, or the party holding such share or shares may be sued for the amount due, with interest from the time the same became due until payment.

Enforcing calls.

Register to be kept and how.

7. A Register shall be kept in the Company's office, and shall indicate clearly the name of every stockholder, and the amount of stock for which he is responsible, and the amount paid in by such stockholder, as well as all transfers that may have been allowed and made in stock.

Certificates of stock to be issued.  
Stock to be personalty and how transferable.

8. Upon any stock being subscribed for, a certificate shall be issued to the subscriber, exhibiting the amount subscribed for and the amount paid on it; and such stock of the said Company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the By-laws of the Corporation, but no share shall be transferable until all previous calls thereon have been fully paid and satisfied, or the said share shall have been declared forfeited for non-payment of the calls thereon; and the consent in writing of the majority of the Directors shall be in all cases necessary to render valid the transfer of any share or shares made before such shares shall have been paid up in full.

First meeting for election of Directors.

9. When, and so soon as stock to the amount of five thousand shares shall have been subscribed for in the books so opened, and ten per cent. paid thereon, or an equivalent thereto, it shall be lawful for the said Provisional Directors to call a meeting of the subscribers for such stock, at the City of Toronto, in Upper Canada, for the purpose of proceeding to the election of five Directors; and thirty days' notice of the time and place of holding such meeting shall be given in some newspaper printed and published in the said City of Toronto; and the Directors then and there chosen, shall hold office until the election of their successors, and it is hereby declared that all the powers in this Act conferred on the Company, are to be exercised by the Directors thereof, subject, however, to the said restrictions.

Notice of first meeting.

Term of office.

When the Company may commence business.

10. Immediately after the election of Directors as aforesaid, and the insertion in the *Canada Gazette* of a proclamation to the effect that it has been established to the satisfaction of the Governor in Council, that five thousand shares have been taken

up, and ten thousand dollars *bonâ fide* paid in to the Company, in respect of shares taken in the said Company by any shareholder or shareholders thereof,—the said Company may begin and carry on business as aforesaid, and shall have full power and authority to transact and perform all such matters of business as they are by this Act authorized, or intended to be authorized, to transact and perform.

**11.** On the first Monday in the month of June, in each and every year thereafter, there shall be held at such hour and place as may be appointed by the By-laws, a general meeting of the stockholders of the said Company for the election by ballot of Directors for the ensuing year, and the transaction of other business ; and the Directors in office at the time of such meeting, or any of them, may be re-elected ; and at all elections of Directors, each stockholder shall have as many votes as he holds shares, and any stockholder may vote by proxy ; Provided always, that no person shall be eligible as a Director unless he be a holder in his own right of at least eighty shares of the stock of the said Company, on which all calls made and due previous to the election have been paid up in full ; and there shall not be more than five Directors at any one time, and a majority of them shall be a quorum, and they shall elect one of their number to be President of the Company.

Annual general meetings.  
Election of Directors.

Qualification of Directors.

Quorum.  
President.

**12.** At every such annual meeting as aforesaid, there shall be exhibited by the Directors in office, before the election of their successors, or the transaction of any other business, a full statement of the affairs of the Company, certified by the President, under his hand and seal.

Statement of affairs of the Company.

**13.** The President and Directors of the said Company shall have power and authority to make, accept, draw and endorse in the corporate name of the Company, Bills of Exchange and Promissory Notes, (but this shall not authorize the Company to act as bankers, or to carry on the business of bankers in any manner whatever,) and to do, perform and exercise all acts of ownership over the property of the corporation, subject to the rules and by-laws of the Company to be passed for the purpose.

Company may be party to bills of exchange, &c.

**14.** Each stockholder of the corporation shall be severally and individually liable to the creditors thereof, to an amount equal to what remains unpaid of the stock held by him, for all debts and contracts made by such corporation, until the whole amount of the stock held by such stockholder shall have been paid in, and no more.

Liability of shareholders limited.

**15.** It shall be lawful for the said Company, from time to time to borrow, either in this Province or elsewhere, all such sum or sums of money as they may find expedient, not exceeding the amount of their paid up capital, and to make

Company may borrow money and issue debentures.

the bonds, debentures, or other securities they shall grant for the sums so borrowed, payable either in currency or in sterling, with interest, and at such place or places within or without this Province, as they may deem advisable; and such bonds or other securities may be made payable to bearer, or transferable by simple endorsement or otherwise, and may be in such form as the Directors for the time being may see fit; and the said Directors may mortgage or pledge the lands, revenues and other property of the said Company, for the due payment of the said sums and the interest thereon.

Cost of Act  
how to be paid.

**16.** All reasonable and preliminary expenditure incurred in obtaining this Act, and in the formation or establishing of the said corporation shall be paid from the funds of the Company.

Agencies out of  
the Province.

**17.** Agencies may be established in Great Britain and other countries for furthering the interests of the Company.

24 Vic., c. 141,  
cited.

**18.** And whereas by an Act passed in the twenty-fourth year of Her Majesty's Reign, Chapter one hundred and forty-one, intituled: *An Act to enable Frederic Chase Capreol, Esquire, to dispose of certain lands by allotment, notwithstanding chapter ninety-five of the Consolidated Statutes of Canada*, it is enacted that twenty-five per cent of the proceeds of such sales as therein mentioned shall vest in three Trustees, to be invested in a flax, hemp or such other factory as the parties interested may deem most desirable; and whereas it is alleged that no share hath yet been sold or disposed of under the said Act: be it enacted, that the said twenty-five per cent, thereby to be vested in Trustees, shall be by the said Trustees invested in the Company hereby incorporated; and purchasers of shares in the property to be disposed of under the said recited Act, shall receive from the Company paid up stock therein, to the amount of twenty-five per cent, of the respective amounts paid by them for shares of property purchased by them in virtue of the said last mentioned Act; but this Act shall not apply to any shares already sold or disposed of under the said Act, if such there are.

Trustees under that Act  
may invest  
certain money  
in Stock of the  
Company.

Proviso.

Public Act.

**19.** This Act shall be deemed a Public Act.

## C A P. L X I.

An Act to incorporate the Ascot Mining Company.

[Assented to 12th May, 1863.]

Preamble.

**W**HEREAS Thomas McCaw, of the City of Montreal, Esquire, hath, by his petition, represented that he with others associated with him and hereinafter named, are desirous of engaging in the business of exploring for, mining, manufacturing and disposing of copper and other ores, in the Township of

of Ascot, in the District of St. Francis, Lower Canada in this Province, and that they can do so to better advantage by the aid of an Act of Incorporation, and hath prayed for the passing of an Act to that end, and it is expedient to grant such prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Thomas McCaw, Walter Shanly, William A.<sup>d</sup> Crocker, Thomas Smyth, together with all other persons who shall become shareholders in the Company hereby constituted, shall be and they are hereby constituted a body corporate and politic, by the name of the "Ascot Mining Company."

Incorporation.

Corporate name.

2. The Company may engage in and follow the business of carrying on exploration for and of mining for, finding and getting copper, lead and other ores, metals and minerals, within the District of St. Francis, and of smelting, manufacturing, dealing in and disposing of such ores, metals and minerals, and may do all things necessary to such ends, consistently with the rights of other parties, and with the conditions of any title under which the Company may hold the lands in or upon which such things are to be done.

Powers and business.

3. The Company may, by any legal title, acquire and hold any lands or mining rights necessary or requisite for the carrying on of such business not exceeding two thousand acres in superficies, and construct and maintain such buildings, machinery and other improvements thereon, and they may sell and dispose of the same, and acquire others in their stead, as the Company may deem for its advantage.

Real Estate, limited.

4. The capital stock of the Company shall be the sum of four hundred thousand dollars, divided into twenty thousand shares of twenty dollars each, and may be increased as hereinafter is provided.

Capital Stock and Shares.

5. All calls of money upon the respective shareholders, in respect of such stock, shall be paid when, where, and as the Directors of the Company shall from time to time require—in conformity, always, with such rules as to notice or otherwise, as the By-laws of the Company may ordain, and interest shall accrue and fall due, at the rate of six per centum per annum, upon the amount of every unpaid call, from the day appointed for payment of such call.

Calls on Shares.

Interest if not paid.

6. The Company may enforce payment of such calls and interest by action in any competent Court of law, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount,

Payment of Calls, how enforced.

amount, in respect of one call or more upon one share or more, stating the number of such calls, and the amount of each, whereby an action hath accrued to the Company under this Act; and a certificate under their seal, and purporting to be signed by any officer of the Company, to the effect that the defendant is a shareholder, and that such call or calls have been made, and that so much is due by him, and unpaid thereon, shall be received in all Courts of law as *prima facie* evidence to that effect.

Proof in such cases.

Forfeiture for non payment.

7. If, after such demand or notice as by By-law of the Company may be prescribed, any call made upon any share or shares be not paid within such time as by such By-law may be limited in that behalf, the Directors in their discretion, by vote to that effect, reciting the facts and duly recorded in their minutes, may 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 by By-law or otherwise they shall ordain.

Stock, to be personal estate.

8. The stock of the Company shall be deemed personal estate, and shall be assignable and transferable in such manner only, and subject to all such conditions and restrictions as shall be prescribed by the By-laws of the Company.

Transfers.

9. No share shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon.

Loans may be raised by the Company.

10. The Company, from time to time, after at least one half of their Stock has been paid in, and not sooner, may borrow in this Province or elsewhere, any sums not exceeding in all one hundred thousand dollars; and may make the bonds, debentures and other securities they shall grant for such sums, payable in sterling or currency, at such rate of interest, and at such place or places in this Province or elsewhere, as they shall deem advisable; and such bonds, debentures or other securities may be made payable to bearer, or transferable by simple endorsement or otherwise, and may be in such form as to the Directors of the Company may seem fit; and for assuring payment of any such sums and interest, the Company may thereby hypothecate their real estate, or any part thereof; and in such case, the enregistration in the proper Registry Office, of such bond, debenture or other security, if not passed before Notaries, shall create the *hypothèque* thereby purporting to be declared.

Hypothecs for securing loans.

Increase of capital provided for.

11. If the said amount of Stock be found insufficient, the Company, by a vote of not less than two-thirds, at any general meeting called for that purpose, may, from time to time, increase the same, either by admission of new Shareholders or otherwise, to a total amount of not more than one million of dollars;

dollars; and in such case the new Stock shall be paid in upon such conditions, at such time and places, and in such manner, as the Company at such meeting shall have ordained, or (in default of express decision 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.

**12.** At all meetings of the Company, every Shareholder, not being in arrear in respect to any call, 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 be held by a shareholder not in arrear, and be in conformity with such requirements as the By-laws of the Company may prescribe, and not otherwise. Scale of votes.

**13.** The affairs of the Company shall be administered by a Board of not less than five nor more than seven Directors, being severally holders of at least two hundred shares of Stock, who 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 four members of such Board present in person or by proxy, until otherwise provided by some By-law, shall be a quorum thereof; and such Directors may vote by proxy, 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. Election of Directors.

**14.** If at any time an Election of Directors be not made or do not take effect at the proper time, the corporation hereby constituted shall not be held to be thereby dissolved; but such election may take place at any general meeting of the Company duly called for that purpose. Quorum.

**15.** Until the first election of such Board, the said Thomas McCaw, Walter Shanly, William A. Crocker, and Thomas Smyth, shall be the Provisional Board of Directors of the Company, with power to fill vacancies occurring therein, to associate with themselves therein not more than two other persons, who, upon being so named, shall become and be Directors of the Company equally with themselves, to open Stock-books, to assign Stock, to make calls thereon, and grant certificates and receipts therefor, to make provisional By-laws on any matters admitting of regulation under this Act by By-law, such provisional By-laws to have force until the first general meeting of the Company, to convene such meeting, and to do all other acts required to be done in order Vacancies.

Failure to elect provided against.

Provisional Directors.

Their powers

to the organization of the Company, and the conduct of its affairs.

Powers of Board of Directors; may make By-laws for certain purposes.

**16.** The Boards of 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, 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 making of calls on Stock, the payment thereof, the issue and registration 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 payments 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 at which and the place where the annual and other meetings of the company shall be held, the calling of meetings, general 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 site of their chief place of business, 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; 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, unless in the meantime confirmed at a special general meeting of the company, called for the purpose, shall only have force until the next annual meeting of the Company, and shall require to be confirmed thereat, and every copy of any By-law under the seal of the company, and purporting to be signed by the Secretary or President of the Company, shall be received as *prima facie* evidence of such By-law, in all Courts of law.

By-laws to be confirmed by shareholders.

Agencies, in Great Britain and United States.

**17.** In addition to their ordinary place of business within this Province, the Company may establish and have any place or places of business in Great Britain or in the United States of America; and may, at any thereof, open books of subscription for their Stock and may receive there subscriptions for such Stock transferable there respectively, and may make all instalments thereon to be called in, and all dividends thereon to be declared payable there respectively; and at any of such places of business, they may order, direct, do and transact their affairs and business or any thereof, in such manner as may be prescribed by the By-laws.

Company not bound to see to trust on Shares.

**18.** 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, shall

shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such shares, and 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.

**19.** 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 of the calls, if any, remaining unpaid, on their shares in the Stock thereof.

Liability of Shareholders, limited.

**20.** Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn, or endorsed, on behalf of the Company, by any Agent, Officer or Servant of the Company, in general accordance with his powers as such under the By-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any By-law or special vote or order; nor shall the party so acting as agent, officer, servant of the company, be thereby subjected individually to any liability whatsoever to any third party therefor; provided always that nothing in this Act contained shall be construed to authorize the company to issue any note of a character to be circulated as money or as the note of a Bank.

Contracts, &c., Bills, notes, &c., how to be made.

Proviso: as to Bank notes.

**21.** Any description of action may be prosecuted and maintained between the company and any shareholder thereof; and no shareholder, not being himself a party to such action, shall be incompetent as a witness therein.

Actions, by or against Shareholders.

**22.** The Company shall not commence their operations under this Act, until at least ten per centum on the amount of their capital stock shall have been paid in.

When to begin operations.

**23.** This Act shall be deemed a Public Act.

Public Act.

## C A P . L X I I .

An Act to incorporate the Montreal Protestant House of Industry and Refuge.

[Assented to 12th May, 1863.]

**W**HEREAS the persons hereinafter named, have, by Petition, set forth, that a Protestant Institution which would serve as a House of Industry and Refuge for destitute persons

Preamble.

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in the City of Montreal, where adequate provision might be made for their wants, and habits of industry acquired by means of work to be afforded them, is urgently needed, and have further represented that such an Institution would be greatly aided by an Act of Incorporation, and have prayed that they and their successors be incorporated under the provisions hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Incorporation.

**1.** Benjamin Holmes, Wm. Murray, Wm. Lunn, Wm. Molson, Geo. H. Frothingham, Jas. P. Clarke, Harrison Stephens, Jno. Cordner, Jas. L. Mathewson, John Sinclair, W. McDonald, G. F. Prowse, Wm. Clendinning, Henry Lyman, W. H. Gault, Robt. Anderson, D. Lorn Macdougall, James Hutton, Wm. Edmonstone, John Redpath, Peter Redpath, Henry Mulholland, John Caverhill, Thomas Kay, and such other persons, donors or subscribers, as may, under the provisions of this Act, become donors or subscribers to the said Institution, to the amounts hereinafter mentioned, shall be, and they are hereby erected into a Body Corporate and Politic by the name of "The Montreal Protestant House of Industry and Refuge," and shall, by that name have perpetual succession and all the rights vested by the Interpretation Act in corporations generally, 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, receive and hold, by last Will and Testament, grant or donation (subject to the carrying out in good faith of the special trusts or conditions, if any, established by any such Testament or Donation) any lands, tenements or hereditaments, real and immovable property, estate and effects within this Province, and the same to sell, alienate and dispose of and to acquire and purchase others in their stead for the same purpose; and to acquire and erect suitable buildings for the purposes of this Act, and the same to maintain, alter or renew from time to time; to provide and procure all materials for work, and the same or any articles or things made or constructed in the said Institution to sell and dispose of, and to expend the proceeds thereof for its support; and to purchase, erect or lease and to maintain within the City of Montreal, one or more places of refuge or night asylums for the temporary relief of destitute persons (without distinction of religious profession or belief) seeking or requiring shelter, and to conduct and manage such places of refuge or asylums in accordance with the rules and regulations to be made for that purpose.

Corporate name.

General Corporate powers.

Real property and buildings thereon.

Disposal of articles made in the Asylum.

Night Asylums.

Proviso as to real estate.

**2.** Provided always, that it shall not be lawful for the said Corporation to hold, permanently, more real estate than shall be required for its use and occupation; but the said Corporation may take donations or bequests of real estate, on condition that the same be sold within seven years after it shall have come

into

into possession of the Corporation, and the same, or any part or portion of such real estate, or any interest therein, which may not, within the said period, have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives.

3. All and every the rents, revenues, issues and profits of all the property of the Corporation, including the Endowment Fund hereinafter mentioned, shall be appropriated and applied solely for the purposes of the Corporation, and the payment of all such outlays and expenditure as may legitimately be incurred in connection therewith and for carrying into effect the objects contemplated by this Act; subject however to the special provisions contained in this Act; provided always, that any surplus of the said rents, revenues, issues and profits of the property of the Corporation, including the Endowment Fund, shall be, from time to time, invested in Government securities, City Corporation Bonds, or on security of *Baillieur de Fonds*, on real property or first mortgages within the City of Montreal and no other; and the said Corporation shall have power to consent to and grant a mortgage on its real property for the purpose only of obtaining funds for the erection and maintenance of the building or buildings necessary for the Institution.

Application of Revenues.

Investments of surplus revenues.

Raising funds to erect buildings.

4. The said Corporation, acting by the majority of the Board of Governors hereinafter mentioned for the time being, shall have full power and authority to make and establish all such By-laws, Rules and Regulations, not being contrary to this Act nor to the laws of this Province, as shall be deemed necessary or useful for the management, regulation and control of the said Institution and of its agents and servants, and the management of its affairs generally, and also for the admission, election or appointment of Governors, the appointment of all meetings of the Board of Governors, the mode and time of election of the elective Governors hereinafter mentioned, the appointment and removal of its officers and servants and their wages or allowances,—and from time to time to alter, repeal and change the said By-laws, rules and regulations or any of them; and shall and may do all other matters and things generally relating to the said Corporation which may be found useful and necessary fully to carry out the purposes of this Act.

Board of Governors acting for the Corporation may make By-laws.

General powers of Board.

5. The ultimate and final control of the said Corporation shall be vested in a Board of Governors, being Protestants and resident within the City or County of Montreal; such Board shall be composed of Life Governors, being those who shall have subscribed the sum of four hundred dollars or upwards to the Institution, and who shall not be in arrear on any call made on such subscription, and of Elective Governors not being less than twenty-four in number at any one time, to be chosen and elected from those who shall have subscribed, in one sum, not less than one hundred dollars to the Institution,

Board of Governors.

Life Governors.

Elective Governors.

Proviso in favor of certain Churches and Societies.

or who shall subscribe a sum of not less than twenty-five dollars as an annual subscription ; provided always, that on payment of not less than four hundred dollars in one sum, or of an annual subscription of not less than twenty-five dollars, by any Protestant Church or Congregation within the City of Montreal, or by any of the National Societies known as the " St. George's Society," " St. Andrew's Society," " Irish Protestant Benevolent Society," " German Society," " New England Society," or by any other such Society, such Church, Congregation, or Society shall have the right of appointing one person who shall be a Governor, and shall act either for life or such other period as may be fixed by such Church, Congregation or Society, subject always to the By-laws, Rules and Regulations of the said Corporation and to the provisions of this Act.

Board of Management.

6. The immediate management and conduct of the Institution shall be vested in a Board of Management, of not less than twenty-four in number, who shall act for three years, one-third retiring annually as may be fixed by By-law ; and such Board shall cause minutes of their proceedings and acts to be duly kept, and shall, from time to time, report the same to the Board of Governors, as may be provided by any by-law, rule and regulation to that effect ; and the Board of Management shall be elected at a meeting of the Board of Governors (including Life Governors and Elective Governors), and the election of the first Board of Management shall take place within thirty days from and after the time when elective Governors shall have been chosen as hereinafter provided.

To report to Board of Governors.

Election.

First meeting of Corporators for organizing the institution.

7. A meeting of the subscribers to the Institution shall be called by the persons hereby incorporated or a majority of them, within two months after the passing of this Act, by notice of not less than ten days, by advertisement to be inserted in at least two newspapers published in the City of Montreal, for the purpose of organizing the Corporation and determining the number of persons entitled to be Life Governors and for the election of the Elective Governors ; at which meeting (and at other similar meetings, unless otherwise provided by By-law) the scale of voting shall be as follows : For contributors of twenty-five dollars and under one hundred dollars, one vote ; of one hundred dollars and under two hundred dollars, two votes ; for any additional one hundred dollars up to one thousand dollars, one additional vote ; and for each additional two hundred dollars over one thousand dollars, one additional vote ; but no contributor shall have more than twenty votes : and at such first meeting, the election of Elective Governors shall be either by ballot, or as may be ordered at the meeting ; and at any subsequent meeting, the mode of election shall be as provided in the By-laws.

Scale of votes.

Mode of voting.

Drafting By-Laws for

8. It shall be the duty of the Board of Management first appointed, within six months to draw up the By-laws, Rules and

and Regulations authorized to be made under this Act, and to report the same to the Board of Governors, who shall have power to approve, alter or amend the same.

approval by Board of Governors.

9. The books of subscription now opened for the establishment of the said House of Industry and Refuge shall be examined by the Board of Management, within one week after the buildings constituting such House of Industry and Refuge shall have been finished and opened for the reception of inmates, and the amount then standing subscribed shall be ascertained and shall be held to be applicable (subject to the proviso hereinafter contained) to the payment of land purchased, the erection of buildings and the fitting up and furnishing of the same; Provided always, that there shall not be expended on the said buildings and furnishing and fitting up the same, and on the places of refuge and night asylums hereinbefore mentioned, more than forty per cent. of the amount subscribed, and the then remainder shall be applied to and constitute the nucleus of an Endowment Fund, the annual revenue of which only shall be applied for the purpose of maintenance of the Institution; and if, at any time, from misfortune or accident over which the Governors shall have no control, the Endowment Fund shall have been diminished below the sum ascertained by such examination as aforesaid, then one-fifth of the annual revenue produced by the remainder of the said Endowment Fund shall be applied yearly to the increase of such Endowment Fund until it shall have been restored to its original amount.

What amount of subscriptions may be expended on buildings, &c.

Proviso.

Remainder to form endowment fund.

Maintaining endowment fund.

10. The said Corporation shall have full powers to collect and enforce by suit at Law or other legal process the payment of all subscriptions, or instalments on subscriptions with legal interest thereon from the time said payments are demanded or may become due.

Power to sue for and recover subscriptions.

11. No member of the Corporation shall be, individually, liable for any debt incurred by the said Corporation for all or any of the purposes authorized by this Act.

Non-liability of members.

12. 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 each Session.

Returns to Government.

13. This Act shall be deemed a Public Act.

Public Act.

## CAP. LXIII.

An Act to Incorporate *The Girls' Home and Public Nursery* of the City of Toronto.

[Assented to 12th May, 1863.]

Preamble.

WHEREAS an institution supported by voluntary contributions has subsisted in the City of Toronto for several years past, called and known as *The Girls' Home and Public Nursery*, the objects and purposes of which are the rescue from vice of young girls to the age of fourteen, and the bestowal of careful attention to their religious, moral and temporal welfare; also, the maintenance and support of children under the age of seven years; and whereas the management of the said institution has hitherto been vested in a committee—consisting of twenty-seven ladies as Directresses and Managers elected annually; and whereas the said Directresses and Managers and others interested in the welfare of the said Institution have, by their petition, represented that the said Institution would be rendered much more efficient by giving it the character of a Corporation, and have prayed that an Act may be passed for that purpose, 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. Emily Augusta McCaul, Caroline Watson and Mary S. McMaster, Directresses; Amelia M. Gilmor, Jemima Baldwin, Margaret T. Roof, Eliza Beatty, Elizabeth Kerr, Amelia Duggan, Anne Duggan, Jane Gillet, Margaret Anne Strachan, Margaret Jane Freeland, Jane Darling, Mary Ellerby, Frances J. Baldwin, Anne Eliza Buell, Mary Jane Simpson, Mary Eliza Cassady, Catherine P. Stow, Janet Morrison, Mary Hope, Frances Hodgins, Maria Gzowski, Marianne Robinson, Sarah Pearson, Anne Louisa Chapman, Managers, and all others who may from time to time be elected to succeed them in manner hereinafter mentioned as Directresses and Managers, shall be and they are hereby nominated and constituted a body politic and corporate by the name and style of *The Girls' Home and Public Nursery*, of the City of Toronto.

Corporate name.

Corporate powers.

2. The said Corporation shall have perpetual succession, and may have a common seal, with power to change, alter, break and renew the same, when and as often as they shall think proper, and may, under the said name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted in all Courts and places whatsoever in this Province, and by the same name they, the said Directresses and Managers and their successors, from time to time, and at all times hereafter shall be able and capable to have, take,

take, receive, purchase and acquire, hold, possess, enjoy and maintain to and for the use of the said Corporation, all lands and property, movable and immovable, which may hereafter be sold, ceded, exchanged, given, bequeathed or granted to the said Corporation, or to sell, alienate, convey, let or lease the same if need be; Provided that the annual income to be derived from such real property shall 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 generally shall enjoy all the rights and privileges enjoyed by other bodies politic and corporate recognized by the Legislature, and shall have full power to make and establish such and so many 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 conduct and government of the said Institution; Provided, always, that no act done by such Directresses and Managers shall be valid and effectual, unless five of such Directresses or Managers, at the least, shall be present, and the major part of these consenting thereto.

Real Estate limited.  
Appointing Attorneys.

Proviso: Quorum of Directresses and managers, &c.

**3.** The said Directresses and Managers shall keep or cause to be kept, in a book to be opened for that purpose, a list of all subscribers to the said Institution, and a meeting of the said subscribers shall be held annually on the first Friday in the month of January in each year, except when the said Friday shall be the first day of the year, in which event the said annual meeting shall be held on the Friday next ensuing, (the first of such meetings to be held on Friday, the eighth day of January next) at such hour and place as the Directresses and Managers for the time being, shall by notice thereof given at least one week beforehand in some newspaper published in the City of Toronto, appoint; and at each such meeting, a report in writing of the affairs and management of the said institution, and of all moneys received and expended, and of all property movable and immovable then held by the institution, and also of the number of girls and children received into the institution, and of the number sent out for adoption or to service, shall be exhibited under their proper heads by the Directresses and Managers for the year then past; and at such meeting the persons then present who shall be respectively subscribers of a sum of not less in amount than two dollars annually, or donors at any one time of money to an amount of not less than twenty dollars, or of lands to an amount of not less in value than one hundred dollars, shall elect from the subscribers or donors of like amounts not fewer than twenty-four fit and proper persons as Managers of the said institution, and also a first, second and third Directress; and the said Directresses and Managers shall be the governing body of the institution, and all vacancies which may occur in the interval between the annual meetings, in the number of Directresses and Managers, from death, resignation or otherwise, may be filled

Annual meetings, and lists of members, &c.

Notice.

Accounts.

Election of Directresses.

Vacancies.

Proviso: as to failure of any meeting.

filled up at a special meeting of the subscribers called for the purpose by a notice given in a similar manner to that required to be given for the annual meeting; Provided, always, that if from any cause such annual or special meeting shall not take place at the time appointed by the notice, such meeting may be called as aforesaid at any subsequent time.

Powers, &c., of Directresses.

4. The said Directresses and Managers may send out to service, and bind or apprentice thereto, or to any healthy trade or business, until the age of sixteen, all girls, and may send out to be nursed, supported, educated or adopted, all children having the protection of the said institution, to, by or with such person or persons, and upon such terms as to the said Directresses and Managers may seem fit and proper, and for such purposes and on behalf of and for such girl or child and themselves, may enter into and make with any persons or person with whom such girl or child may be placed, articles of apprenticeship or agreement; and such articles or agreement may be enforced as well as by action at law or in equity, as by summary application to a Justice of the Peace (who is hereby empowered to act thereon) under the provisions of chapter seventy-six of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting apprentices and minors*; and all persons desirous of obtaining any girl or child for the purpose of service or apprenticeship or adoption, shall deposit in the hands of the Treasurer of the said institution for the benefit of the said institution, a sum of money not less in amount than two dollars.

Binding out Children.

Con. Stat. U. C. c. 76, cited.

Powers for Protection of Children.

5. The said Directresses and Managers may exercise over and with respect to the girls or children having the protection of the said institution, such powers as their parents or guardians would have or might exercise.

Application of revenues.

6. All property which shall at any time belong to the said institution as well as the revenues thereof, shall at all times be appropriated and applied exclusively to the object and purposes mentioned in the preamble of this Act.

Property of Institution transferred.

7. 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 Directresses, Managers, Secretary and Treasurer of the said institution, shall be and continue to be the Directresses, Managers, Secretary and Treasurer of the said corporation until others shall be elected in their stead; and the By-laws, rules, orders and regulations of the said institution shall be and continue to be the By-laws, rules, orders and regulations of the said corporation, until altered or repealed.

Present By-laws continued until altered.

8. The said Corporation shall at all times, when required by the Governor, make a full return of all property real and personal

Report to Governor.

personal held by it, with such details and other information as the Governor may require.

9. This Act shall be deemed a Public Act.

Public Act.

C A P . L X I V .

An Act to enable the Trustees of the Congregation of St. Andrew's Church, in the Village of Lanark, in connection with the Church of Scotland, to sell a certain lot of land.

[Assented to 12th May, 1863.]

**W**HEREAS the Minister, Trustees and other members of the Presbyterian Church of the Town of Lanark, in connection with the Church of Scotland, have, by petition to the Legislature, represented that Park Lot number four, in lot number three, in the second concession of the Township of Lanark, in the County of Lanark, but otherwise known as Park lot number four, on the westerly side of George street, in the Village of Lanark, containing twenty-five acres, was, by patent from the Crown of date the eighth of January one thousand eight hundred and forty-seven, granted to certain Trustees therein named and their successors in office for ever, to be elected in the manner provided in such patent, in trust as an endowment or glebe for the Presbyterian Church of the Town of Lanark, in connection with the Church of Scotland; and whereas the said petitioners have further represented that the present Trustees of the said congregation are Peter McLaren, James McIlquham and John Gordon, and that the said Trustees have been duly elected as such; and whereas the said Petitioners further represent that they are desirous to sell and convey certain four acres and one half an acre, a portion of the said Park Lot, and to appropriate the proceeds of the sale towards the liquidation of a certain debt existing on the Church recently erected by the said congregation, in the said Village, and also towards the erection of an addition to the Manse belonging to the said church; 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. The present Trustees of the said congregation of St. Andrew's Church, of the Presbyterian Church of Canada, in connection with the Church of Scotland, in the Village of Lanark, namely: Peter McLaren, James McIlquham and John Gordon, or their successors duly elected as such, in conformity with the provisions of the said patent, 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 that part of the said glebe or Park Lot

Trustees empowered to sell a certain lot.

Description  
of lot.

number four, in lot number three in the second concession of the township of Lanark, otherwise known as Park Lot number four on the westerly side of George Street in the Village of Lanark, which part may be better known and described as follows:—Commencing where a post has been planted at the south-east angle of the said Park Lot, and running north thirty-six degrees west, thirteen chains and seventy-five links, more or less, to the allowance for road between Park Lots numbers three and four; then south fifty-four degrees west, three chains and eighteen links, to a post there planted; then south thirty-six degrees east, thirteen chains and seventy-five links, more or less, to the allowance for road between the said Park Lot and Village Lot number eight; then north fifty-four degrees east, three chains and eighteen links, to the place of beginning; containing by admeasurement four acres and one half of an acre, be the same more or less—and that in one lot or in more lots or portions, to any person or persons willing to purchase the same, and to apply the proceeds of such sale or sales towards the liquidation of the debt existing on the Church recently erected by the said congregation in the said village of Lanark; and also towards the erection of an addition to or other ameliorations of the Manse belonging to the said Church in the said village; 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 purpose contemplated by this Act, but the purchaser shall not.

Sale made in  
one or more  
lots.

Proviso: as to  
application of  
moneys.

Public Act.

2. This Act shall be deemed a Public Act.

## C A P. L X V .

An Act to authorize the Ministers of "The New Church signified by the New Jerusalem in the Revelation" in Lower Canada, to solemnize Matrimony, and for other purposes.

[Assented to 12th May, 1863.]

Preamble.

WHEREAS divers members of the Religious Society or Denomination of Christians, denominating themselves "The New Church signified by the New Jerusalem in the Revelation," resident in Lower Canada, have, by their petition to the Legislature, prayed that the Ministers and Pastors thereof may be authorized to keep, in due form of Law, Registers of all Baptisms, Marriages, and Burials, which shall by such Ministers or Pastors respectively be performed; and it is expedient 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:

1. Chapter twenty of the Consolidated Statutes for Lower Canada shall be extended and shall apply to the said Society or Community denominating themselves "The New Church signified by the New Jerusalem in the Revelation," and the Ministers and Pastors thereof regularly ordained shall have the like power and authority as are by the said Act conferred on the Ministers and Pastors of the other denominations and communities therein mentioned; and the said Ministers and Pastors of the said Society or Community denominating themselves "The New Church signified by the New Jerusalem in the Revelation," shall be held to be named among and added to the number of those enumerated in the seventeenth Section of the said Act; and each and every of the other provisions, penalties and requirements of the said section and of the said Act shall apply to the said Ministers and Pastors as fully and completely as if they had been enumerated in the said section.

Chap. 20 of con. Stat. L. C. to apply to the ministers and Pastors of the said Church.

2. This Act shall be deemed a Public Act.

Public Act.

### C A P . L X V I .

An Act to authorize the Courts of Queen's Bench and Common Pleas for Upper Canada to admit Peter Taylor Poussett as an Attorney.

[Assented to 12th May, 1863.]

**W**HEREAS Peter Taylor Poussett hath, by his Petition, set forth that on the fourteenth day of April, in the year one thousand eight hundred and twenty-six, he was admitted an Attorney of Her Majesty's Court of Queen's Bench at Westminster, and on the same day he was also admitted an Attorney of Her Majesty's Court of Common Pleas at Westminster, and subsequently on the usual day for admission of Solicitors in Chancery for Easter term, in the year one thousand eight hundred and twenty-six, he was admitted a Solicitor in the High Court of Chancery, in England; that he practised as an Attorney and Solicitor for the said Courts from the time of his admission to the month of May, one thousand eight hundred and thirty-nine, when he came to Canada to reside: that by an accidental fire in his dwelling house the several certificates of his admission to practise as an Attorney and Solicitor of the said Courts were destroyed, and that he has procured an extract from the Roll of Attorneys kept in the office of the Master of Her Majesty's Court of Queen's Bench, in England: (which extract is dated the third of March, one thousand eight hundred and fifty-five); that in the year one thousand eight hundred and fifty-three, he was appointed Clerk of the Peace for the County of Lambton, and is now acting as such Clerk of the Peace; that in the year one thousand eight hundred and fifty-seven, he was appointed Master and Deputy Registrar of the Court of Chancery for

Preamble.

Case of P. T. Poussett stated.

Upper Canada, at the Town of Sarnia, and he now acts as such Master and Deputy Registrar; that by means of his said offices, and by study, he is acquainted with the laws of Upper Canada and the practice of its Courts; and the said Peter Taylor Poussett, in and by his said petition hath prayed that Her Majesty's Courts of Queen's Bench and Common Pleas for Upper Canada may be authorized to admit him to practise as an Attorney in the said Courts; and whereas it is reasonable under all the circumstances of the case, that the prayer of the said Petitioner should be granted, subject to the provisions hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

P. T. Poussett  
need not serve  
under articles  
in U. C.

But may prove  
his admission  
in England and  
be examined  
and may be  
admitted if  
found qualified.

1. It shall not be necessary for the said Peter Taylor Poussett, in order to entitle him to be admitted and enrolled an Attorney in Upper Canada, to be bound by contract in writing or otherwise to a practising Attorney or Solicitor in Upper Canada to serve him as a Clerk, nor shall it be necessary for the said Peter Taylor Poussett to serve any Attorney or Solicitor, nor to publish the notice, nor to leave with the Secretary of the Law Society the certificate specified in the seventh section of the Act respecting Attorneys at Law, but in lieu thereof the said Peter Taylor Poussett shall, at least fourteen days before the first day of the term in which he seeks admission, leave with the said Secretary of the Law Society, the said extract from the said Roll of Attorneys, together with the affidavit of the said Peter Taylor Poussett to the effect of the certificate and affidavit which are respectively mentioned in subsection B of the said seventh section; and thereupon it shall be lawful for the Law Society of Upper Canada, to examine and enquire touching the fitness and capacity of the said Peter Taylor Poussett to act as an Attorney; and in case such examination is satisfactory, it shall be lawful for the said Society to give the said Peter Taylor Poussett the certificate of qualification provided by the tenth section of the said Act, and on production of the said certificate annexed to the said extract from the Roll of Attorneys, and the said affidavit of the said Peter Taylor Poussett, it shall be lawful for the Courts of Queen's Bench and Common Pleas of Upper Canada, in their discretion, to admit the said Peter Taylor Poussett as an Attorney of the said Courts.

Public Act.

2. This Act shall be deemed a Public Act.

## CAP. LXVII.

An Act to enable Thomas Edouard BelleIsle to undergo an examination to practise Medicine, Surgery and Midwifery.

[Assented to 12th May, 1863.]

**W**HEREAS Thomas Edouard BelleIsle has proved that Preamble.  
 he had studied medicine for two years in Lower Canada, at the end of which time he was compelled to leave the country and take up his residence in the United States of America, where he continued to study medicine for three years, at the end of which time he underwent an examination before the medical faculty of the University of Burlington, in the State of Vermont, one of the United States of America; and that he had obtained a diploma from the said University authorizing him to practise medicine, surgery, and midwifery, and did practise the same for several years in the said United States of America; and whereas the said Thomas Edouard BelleIsle, having returned to Canada, is desirous of obtaining authority to practise medicine, surgery and midwifery: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Case of T. E. BelleIsle stated.

1. It shall be lawful for the said Thomas Edouard BelleIsle to present himself before the Board of Examiners of the College of Physicians and Surgeons of Lower Canada, without following any new course of study; and if the said Thomas Edouard BelleIsle is 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. He may be examined and admitted if found qualified.

2. This Act shall be deemed a Public Act. Public Act.

## CAP. LXVIII.

An Act to enable Elijah Rowell and Thomas Merrill Prime to be admitted to practise Medicine, Surgery and Midwifery.

[Assented to 12th May, 1863.]

**W**HEREAS Elijah Rowell, of Frelighsburg, in the County of Missisquoi, and Thomas Merrill Prime, of the Township of Brome, in the County of Brome, by their petition, have represented that they commenced the study of Medicine in Lower Canada, and subsequently completed a full course of Medical Study and received the degree of Doctor of Medicine in an incorporated School of Medicine in the United States of America; that preferring to live and practise their profession under Preamble.  
Case of E. Rowell and T. M. Prime, stated.

under the happy rule of Her Most Gracious Majesty, they have returned to this Province, and have further pursued the study of Medicine therein, with a view to qualify themselves to practise, but have not pursued the course of study prescribed by law; and are prepared to undergo the examination required by law; and have prayed that an Act may be passed authorizing such examination and enabling them to be admitted to the practice of Medicine in Lower Canada; 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:

They may be examined and admitted if found qualified.

1. It shall be lawful for the said Elijah Rowell and Thomas Merrill Prime to present themselves 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 Elijah Rowell and Thomas Merrill Prime, or either of them, be found by the said examiners to be properly qualified, he or they so found qualified shall be entitled to obtain a license to practise Medicine, Surgery and Midwifery, according to the by-laws and regulations of the said College.

Public Act.

2. This Act shall be deemed a Public Act.

## C A P . L X I X .

An Act to enable Pierre Auguste Joseph Crevier to be admitted to practise as a Notary in Lower Canada, upon his passing an examination, and proving the requisite service under articles.

[Assented to 12th May, 1863.]

Preamble.

**W**HEREAS Pierre Auguste Joseph Crevier hath by his petition represented to the Legislature of this Province that, having failed to comply with the requirements of section sixteen of chapter seventy-three of the Consolidated Statutes for Lower Canada, in passing the preliminary examination and registering his articles of clerkship, although he hath served a regular clerkship, under articles, during five consecutive years, with a Notary duly appointed and practising as such in Lower Canada, he is desirous of being admitted to the practice of the Notarial Profession in Lower Canada, and it is expedient to accede to the prayer of his said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

P. A. J. Crevier may present himself for examination.

1. After the passing of this Act the said Pierre Auguste Joseph Crevier may present himself before that one of the Boards of Notaries in Lower Canada, within whose jurisdiction he shall be at the time of his so presenting himself, for the purpose

purpose of being examined, and proving to the satisfaction of such Board, that he has studied with a practising Notary duly commissioned in and for Lower Canada, for the period required by law, and that he is qualified to be admitted to practise as a Notary for Lower Canada.

2. After such examination and upon proof of study during the requisite period, it shall be lawful for the said Board of Notaries before which the said Pierre Auguste Joseph Crevier shall present himself to undergo his examination and prove having studied for the period required by law, upon his proving duly qualified to admit him to the said profession of Notary for Lower Canada, for all the purposes of chapter seventy-three of the Consolidated Statutes for Lower Canada.

And on passing may be admitted to practice

3. This Act shall be deemed a Public Act.

Public Act.

## C A P . L X X .

An Act to authorize the Trustees and Executors of James Grimes to sell his real Estate to pay his debts.

[Assented to 12th May, 1863.]

**W**HEREAS Margaret Grimes, Widow of James Grimes, of the township of Mariposa, in the County of Victoria, yeoman, deceased, John Henry Grimes, Susannah Grimes, Rebecca Grimes, and James Grimes, children of the said James Grimes, deceased, and Walter Wright, Jacob Shouldise and Robert Swain, all of the said Township of Mariposa, yeomen, executors of the said James Grimes, deceased, have by their petition represented: That the said James Grimes died on the seventh day of December, A. D., one thousand eight hundred and fifty-eight, and by his Will dated the fifth day of december, one thousand eight hundred and fifty-eight, left and bequeathed all his real and personal property to his wife, Margaret Grimes, for her life, and at her death, or on her marrying again, to his children, to be divided between them; that the said James Grimes at the time of his death was in embarrassed circumstances and indebted to various persons on mortgage and otherwise to a large amount; that the debts of the said James Grimes still remain undischarged and that the petitioners have no means of paying the same except by a sale of the real estate left by the deceased; and whereas the said petitioners have prayed that an Act may be passed giving power to the said executors of the said James Grimes, with the consent of his widow, the said Margaret Grimes, to sell the real estate of the said testator for the purpose of paying off the several claims against the same, and to invest the balance of any moneys arising from such sale. after the payment of the several claims aforesaid, for the benefit of the widow and children of the deceased James Grimes; and whereas it is expedient

Preamble.  
Will of J.  
Grimes recited.

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 :

Executors of James Grimes may sell his real estate to pay his debts.

1. The said Walter Wright, Jacob Shouldise and Robert Swain, or the survivors or survivor of them, shall be and are hereby empowered to sell and dispose of the real estate of the deceased James Grimes, either by public auction or private contract, or partly by the one mode and partly by the other, as to them may seem best, and to make and execute good, valid, and effectual deeds and conveyances of the same, in the same manner that the said James Grimes might or could have done in his lifetime, and after deducting the necessary expenses attending such sale, to apply the proceeds to the payment of the debts and liabilities of the deceased James Grimes.

Balance to be invested as directed by his will.

2. The said Walter Wright, Jacob Shouldise and Robert Swain, or the survivors or survivor of them, shall from time to time invest any balance of moneys arising from such sale (after due payment of the debts of the said deceased) for the benefit of the said Margaret Grimes, his widow, during her life or so long as she shall remain unmarried, and at the death of the said Margaret Grimes, or on her marrying again, they, the said Walter Wright, Jacob Shouldise and Robert Swain, or the survivors or survivor of them shall pay over and divide such balance of moneys as aforesaid, and any interest accrued on the same, to and amongst the children of the deceased James Grimes, in the manner directed by his will ; but while the said Margaret Grimes is living, and remains the widow of the said James Grimes, her consent in writing shall be necessary to any such sale as aforesaid, or to any investment, re-investment, or change of investment, of the balance of money to be invested as aforesaid.

Provision for replacing executors dying &c.

3. In case of the death of all the said executors of the said deceased James Grimes, before the final execution of the powers and trusts above mentioned, it shall be lawful for the Judge of the County Court of the County of Victoria, on the application to him in writing of the said Margaret Grimes, or of any one or more of the children of the said testator, to nominate and appoint some fit and proper person to act in the place of the executors of the said James Grimes, and in like manner to appoint another in case of the death of the person so appointed, and so as often as occasion may require.

Public Act.

4. This Act shall be deemed a Public Act.

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